

## **Equal Opportunity in Employment**

The Institute is an equal opportunity employer. We believe that every employee has the right to be treated with dignity and respect. Consequently, we will not discriminate on the basis of age, race, creed, color, sex, national origin, citizenship, disability, marital status, or any other protected characteristic. Our management team is dedicated to ensuring full compliance of this policy with respect to recruitment, advertising, hiring, placement, promotion, rates of pay or other forms of compensation, selection for training, layoffs, termination, and general treatment during employment.

All individuals have unique abilities. We are committed to employing applicants and employees on the basis of ability, rather than disability. This commitment includes making reasonable accommodations for known physical or mental limitations of otherwise qualified individuals with disabilities. A reasonable accommodation is a modification or adjustment to a job, the work environment or the way things usually are done that does not pose an undue hardship to the Institute.

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# Employee Handbook

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AMERICAN  
INSTITUTE  
OF PHYSICS

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Revised June 1999

## AMERICAN INSTITUTE OF PHYSICS LOCATIONS

One Physics Ellipse  
College Park, Maryland 20740-3843  
Tel: 301-209-3100 • Fax: 301-209-0843

ACP Child Care Center	Executive Director/CEO
ACP Technology User Support	Facility Services
Accounting	Human Resources
Career Services	Physics History
Chairman of the Board	Physics Today
Controller's Office	Public Information
Development Office	Secretary
Director, Human Resources	The Industrial Physicist
Director, Physics Programs	Society of Physics
Education	Students/ $\Sigma\Pi\Sigma$
Education & Employment	Treasurer/Chief Financial
Statistics	& Administrative Officer

Suite 1NO1  
2 Huntington Quadrangle  
Melville, New York 11747-4502  
Tel: 516-576-2200 • Fax: 516-349-7669

Advertising & Exhibits	Journal Production II
Business Systems & Operations	Marketing
Child Care Center	Production Services
Circulation and Fulfillment	Publisher, Journals
Composition Services	& Technical Publications
Data Preparation	Publishing Services
Editorial Operations	Publishing Systems
Executive Director/CEO	Scientific Classification
Facility Services	Translations and
Graphics Production	Special Publications
Human Resources	Treasury
Internet Publishing	Vice President,
Journal Production I	Publishing

National Press Building  
529 14th St., NW, Suite 1050  
Washington, DC 20045-2001  
Tel: 202-662-8710 • Fax: 202-662-8711

Physics Today

## **MEMBER SOCIETIES**

The American Physical Society  
Optical Society of America  
Acoustical Society of America  
The Society of Rheology  
American Association of Physics Teachers  
American Crystallographic Association  
American Astronomical Society  
American Association of Physicists in Medicine  
American Vacuum Society  
American Geophysical Union

## **OTHER MEMBER ORGANIZATIONS**

Sigma Pi Sigma Physics Honor Society  
Society of Physics Students  
Corporate Associates

## TO AIP STAFF MEMBERS

Our organization, the American Institute of Physics provides a wide variety of services for science societies, the physics community, students and the general public, as well as for over 100,000 people who comprise AIP's ten Member Societies.

AIP is one of the world's largest publishers of physics research literature. We publish our own magazines and archival journals. We also assist Member Societies and other organizations in the production and distribution of their journals. We also publish Conference Proceedings.

All our journals are available on-line as well as in print. We offer on-line services to other publishers and have about 40 journals from about 10 publishers on our On-line Journal Publication System.

Through its physics programs, AIP contributes to public awareness and education. Among AIP's contributions are education programs including the Society of Physics Students, the Center for History of Physics including the Niels Bohr Library, a Corporate Associates Program, and divisions for Public Information, Statistics (on physics education and employment), and Career Services. In these and many other ways, AIP reaches out to serve the community of physicists and the public at large.

As an AIP staff member you are advancing, directly or indirectly, the important goals of the Institute; your chosen career is one of service to science and society.

This booklet provides you with an introduction to AIP and its personnel policies and benefits. Keep it handy for future reference. Whenever you need more information or an answer to a question that does not appear in this *Handbook*, please consult your supervisor or a member of Human Resources.



*continued on next page*

One of my pleasures as AIP's Executive Director is working with fellow employees and exchanging ideas on how the organization can function better. Communication is the key to improved performance and greater job satisfaction, so please feel free to contact me with your suggestions.



Marc H. Brodsky  
Executive Director/CEO  
June 1999

## VICE PRESIDENT, PUBLISHING

DARLENE A. WALTERS

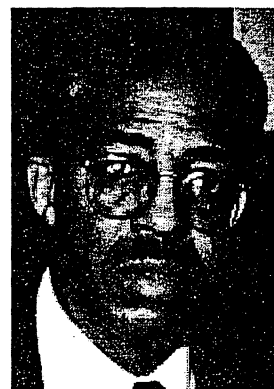


Business Systems  
& Operations  
Marketing  
Journals & Technical  
Publications  
Publishing Services  
Publishing Systems

## DIRECTOR, PHYSICS PROGRAMS

JAMES H. STITH

Advertising & Exhibits  
Career Services  
Computing in Science  
& Engineering  
Education  
Education & Employment  
Statistics  
Physics History  
Physics Today  
Public Information  
The Industrial Physicist



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**TREASURER/CHIEF FINANCIAL  
& ADMINISTRATIVE OFFICER**

**RICHARD BACCANTE**



Accounting  
Facility Services  
Treasury

**SECRETARY**

**BENJAMIN B. SNAVELY**



## DIRECTOR, HUMAN RESOURCES

THERESA C. BRAUN



Benefits  
Child Care Centers  
Compensation  
Employee Relations  
HRIS  
Labor Relations  
Recruitment  
Training

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## About This Handbook

We want your job experience to be rewarding and enjoyable and we believe the more you know about the Institute, the more satisfaction you can derive from your job.

With this in mind, we have prepared this *Employee Handbook* to help you become acquainted with the Institute, its personnel policies, and the benefits offered to you as an employee. Please review the *Handbook* carefully and keep it for future use.

Due to government regulations and the changing demands of our operations, we may modify these policies and benefits from time to time. This *Handbook* contains guidelines for the Institute's use. Its terms should not be regarded as contractual in nature. We will attempt to keep you up to date regarding changes that affect you.

## AIP History and Organization

The American Institute of Physics (AIP) is a not-for-profit membership corporation chartered in New York State in 1931 for the purpose of promoting the advancement and diffusion of the knowledge of physics and its application to human welfare. Its governance is provided by Member Societies. Currently there are ten Member Societies.

It is the mission of the Institute to serve the sciences of physics and astronomy by serving the Societies, by serving individual scientists, and by serving students and the general public.

Today, the Institute has a staff of nearly 560 people handling its various services for more than 120,000 members of ten Member Societies. In addition, 5,700 students in approximately 700 colleges and universities are members of the Institute's Society of Physics Students. The physics honor society, Sigma Pi Sigma, has 34,000 active members. The Institute is represented by 55 Corporate Associate members.

At the end of 1993, the Publishing Center was consolidated on Long Island, NY, while Physics Programs and Finance and Administration moved to the American Center for Physics (ACP) in College Park, MD.

The American Center for Physics opened in October 1993 in a new 120,000 square foot building on 24 acres of land in College Park, MD. ACP provides headquarters for the American Institute of Physics, The American Physical Society (APS), the American Association of Physics Teachers (AAPT), and the American Association of Physicists in Medicine (AAPM).

The major ongoing goals of the AIP staff are described under the following headings:

- Umbrella
- Pricing
- Image
- Timeliness

## AIP Activities and Programs

The Institute provides publishing and other services for ten Member Societies, collects dues, provides financial services, handles subscription fulfillment for 80 publications, mails ballots and announcements, and prepares membership directories. It also publishes its own journals, conference proceedings, special reports, as well as translates and publishes Russian journals.

The Institute is best known for its extensive publishing operation. A large fraction of the world's physics research literature is published by AIP and its Member Societies. By adopting appropriate up-to-date publishing techniques, the Institute ensures that current physics and astronomy research papers are widely distributed promptly and economically. In addition to publishing original papers, AIP prepares and distributes various current physics information products to assist scientists in finding and retrieving the research contributions relevant to their work.

AIP's flagship monthly magazine, *Physics Today*, goes to 125,000 subscribers, including many overseas. A bi-monthly magazine, *Computing in Science and Engineering*, jointly published by AIP and the IEEE Computer Society, reports on significant developments in computer software, hardware, and methodology for physics research and education. *The Industrial Physicist* is a bi-monthly magazine with a circulation of 60,000 that helps physicists in industry and their managers to make more effective use of physics in furthering corporate goals.

The Public Information Division is in charge of news media relations and government relations. It provides the media with information concerning developments in physics and astronomy. It operates press rooms at society meetings, provides science news reports for TV and radio programs, and prepares special news releases. It tracks development in science policy debates and works with Member Societies in coordinating efforts and distributing this information.

The Institute assists those interested in a physics education and related career options through a range of programs and services run by its Education Division. The Society of Physics Students and Sigma Pi Sigma, the physics honor society, are part of this division.

The Career Services Division offers a variety of employment and career resources, while the Education and Employment Statistics Division carries out statistical studies.

The Center for History of Physics includes the Niels Bohr Library. It promotes the preservation of historical source materials for physics and allied fields, and offers aids to scholars, educators, and the media, including its own World Wide Web exhibits.

The Institute maintains a liaison with industry, through the AIP Corporate Associates' activities and with other outside scientific and publishing organizations.

## **Equal Opportunity in Employment**

The Institute is an equal opportunity employer. We believe that every employee has the right to be treated with dignity and respect. Consequently, we will not discriminate on the basis of age, race, creed, color, sex, national origin, citizenship, disability, marital status, or any other protected characteristic. Our management team is dedicated to ensuring full compliance of this policy with respect to recruitment, advertising, hiring, placement, promotion, rates of pay or other forms of compensation, selection for training, layoffs, termination, and general treatment during employment.

All individuals have unique abilities. We are committed to employing applicants and employees on the basis of ability, rather than disability. This commitment includes making reasonable accommodations for known physical or mental limitations of otherwise qualified individuals with disabilities. A reasonable accommodation is a modification or adjustment to a job, the work environment or the way things usually are done that does not pose an undue hardship to the Institute.

## **Immigration Reform and Control Act**

In accordance with the Immigration Reform and Control Act of 1986, it is the Institute's policy to hire only those individuals who are authorized to work in the United States. Pursuant to this law, all individuals who are offered employment will be required to submit proof of their identity and employment eligibility. Employees will also be required to complete and sign, under oath, Immigration and Naturalization Service Form I-9. Form I-9 requires you to attest that you are authorized to work and the documents submitted are genuine.

If you are authorized to work in this country for a limited period of time, you will be required to submit proof of your employment authorization and sign another Form I-9 before the expiration of that period in order to remain employed by the Institute.

## Questions, Suggestions, and Complaints

The best way to develop a rewarding and enjoyable work environment is through open, honest, and direct communication about all aspects of our jobs. There are times when each of us has a question, comment, or problem that needs to be addressed. The AIP policy is simple: ask it, suggest it, or let us know about it.

The Institute encourages you to bring your questions, suggestions, and complaints to management's attention. Everyone will receive careful consideration and a timely response. When many people work together, situations may be viewed differently. While no one can guarantee that you will always receive the answer you want, we will attempt to provide fair consideration to any question, suggestion, or complaint that may arise.

When you have a problem or a question, you should discuss the situation with your supervisor. You and your supervisor work together on a daily basis and our experience has shown that many problems can be effectively resolved at this level. We encourage you to speak openly and honestly with your supervisor.

If you still feel that your problem has not been dealt with fully, or if for some reason you feel uncomfortable discussing the matter with your supervisor, discuss your concern with your Director or Division Manager, then, if necessary, the Director, Human Resources or her designee. The officers of the Institute, including the Executive Director, maintain an open-door policy. They are glad to hear from employees with special suggestions or concerns.

As you can see, we are anxious to hear from you on any subject and look forward to working with you to address your concerns. We want you to have every opportunity to discuss your problems freely.

## **You and Your Supervisor**

Your supervisor is a vital part of our management team and will have more to do with your welfare and development than any other person in our organization. Your supervisor is directly involved in planning work schedules, ensuring the quality of your work, and providing you with whatever assistance you may need. Furthermore, your supervisor will explain your new job responsibilities, introduce you to your fellow employees, show you where things are, and periodically evaluate and advise you concerning your work performance.

An important aspect of a supervisor's duties is to listen to questions, suggestions, and problems and to provide an appropriate, effective response. He/she is there not only to supervise, but to make your thoughts and concerns known to upper management. We all benefit when you fully cooperate with your supervisor and discuss issues openly with him or her.

## **Your Introductory Period of Employment**

It usually takes a period of time for new employees to get to know a new work environment and the people with whom they will be working. Similarly, an employer needs time to get acquainted with new employees and to find out how well they fit into the job for which they were hired. At AIP, this time is called an "introductory period."

The first six consecutive months of employment are considered to be an introductory period. Employee performance will be evaluated during this period to determine if employment should be continued.

At all time during your employment at AIP, including during the Introductory Period, your employment is at-will. This means that the employment relationship may be terminated by either the employee or the Institute for any reason and without prior notice.

## Full-Time and Part-Time Employees

Currently regular full-time employees work 35 hours per week in New York, and 37.5 hours per week in Maryland, and receive full benefits. These hours are subject to change according to business needs.

Regular part-time employees work at least 25 hours per week and receive full benefits.

Hourly employees will usually work less than 25 hours per week at an AIP location.

Temporary employees are hired as needed on an irregular basis.

Cottage employees work at home and must fulfill, at a minimum, the hourly obligations agreed to upon employment.

Throughout the *Employee Handbook* the term "regular employee" will be used to denote only regular full-time and part-time employees.

## Your Normal Work Week

The normal work week for (full-time) employees is 35 hours (in New York) and 37.5 hours (in Maryland), Monday through Friday.

### New York:

There are two shifts: a day shift from 8:45 a.m. to 4:15 p.m., with one-half hour for lunch and an evening shift from 5:00 to 11:00 p.m.

### Maryland:

The normal work day is from 8:30 a.m. to 5:00 p.m., with one hour for lunch.

Maryland employees may work flexible hours, within the following guidelines. All regular, full-time employees must work during the core hours of 9:00 a.m.–4:00 p.m., taking either a half-hour or an hour for lunch. In addition, at least one senior staff member must be present in each department during regular business hours (8:30 a.m.–5:00 p.m.), and telephones must be continuously covered. All flex time must be approved by the division manager.

Business conditions and other factors may require that adjustments be made to these schedules from time to time. Also, the working hours of individual employees may need to be changed to address special business needs. The Institute reserves the right to change the normal business hours and length of the work week. However, in either of these circumstances, every effort will be made to provide employees with advance notice of changes in daily/weekly work schedules.

## **Attendance and Punctuality**

You were hired to perform important functions as part of our team. As with any group effort, cooperation and commitment from each individual are required if the Institute is to operate effectively. Therefore, regular attendance and punctuality are expected of all employees at AIP; it is your responsibility to AIP, to your fellow employees, and to yourself.

We recognize that there may be times when your absence or lateness cannot be avoided, due to illness or another legitimate reason. In such cases, you are expected to telephone your supervisor before the start of your shift. You should call in every day that you are away from your job. An employee returning from an absence of five days or more will be required to provide a doctor's note. Unreported absence may subject an employee to disciplinary action, up to and including termination. Two consecutive days of unreported absence will be regarded as a voluntary resignation.

Consistent and/or a pattern of unexcused absenteeism or unexcused lateness cannot be tolerated because of the negative effect on the Institute, the employee's performance, and that of his or her co-workers.

## **Attendance Incentives**

All regular employees with a record of no sick leave for the year will receive two bonus days and a cash incentive bonus of \$200. Absences covered under the guidelines of the Family & Medical Leave Act (FMLA) will not be included in determining attendance incentives. This paid time off must be taken within the next year.

AIP will award a cash incentive bonus of \$200 to each regular employee with no more than two sick days during the calendar year (1 January through 31 December). New employees will be eligible for this cash incentive only for a full calendar year of employment.

## **Sick Leave**

AIP will compensate all regular employees after three continuous months of employment for time lost due to personal illness or injury, or for the illness or injury of a child or other (live-in) dependent up to a maximum of ten days per calendar year. Sick leave may also be used for medical/dental appointments or laboratory tests (either for self or for a dependent).

You are expected to notify your supervisor as early in the day as possible on the first day of sick leave and every day thereafter that you are away from your job. Absences due to illness exceeding five days will require a doctor's certification that you are fully able to return to work.

Employees terminating employment for any reason are not entitled to payment for any accrued unused sick time.

## **Sick Leave Accrual (Sick Bank)**

For all regular employees, on the first day of each year, unused sick days from the preceding year will be credited to a sick leave accrual account.

Any unused vacation leave in excess of 30 days will also be converted to sick leave and credited to the sick leave accrual account on the first day of each year (see Vacations).

Accrued sick leave may be used for employee illnesses or injuries resulting in absences of eight or more consecutive work days (i.e., disability leave or for the birth of a child) or dependent illnesses covered under the guidelines of FMLA. In addition, this accrued sick leave may be used only after all 10 sick days have been exhausted in that calendar year. See Human Resources for details.

If you request leave because of a birth, adoption or foster care placement of a child, or to care for a covered relation with a serious health condition, you must use your 10 sick days before using your sick accrual account. (See Family & Medical Leave Policy for eligibility and guidelines.)

Employees terminating employment for any reason are not entitled to payment for any unused sick leave accrual account.

## Paid Holidays

All regular employees are granted twelve paid holidays which may include one or more personal days (see Personal Days). The holidays are:

- New Year's Day
- Martin Luther King, Jr. Day
- Presidents' Day
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day
- Day After Thanksgiving
- Christmas Day

Depending on the days of the week Christmas and New Year's are celebrated, two additional holidays may be added during this period.

In order to be eligible to receive holiday pay, you are required to work your regularly scheduled hours the workday preceding and the workday following the holiday. In accordance with the Institute's policy, an approved vacation day or any other excused and paid day off is considered a day worked for purposes of holiday pay eligibility.

In-house and temporary employees are eligible for paid holidays when they have been consecutively employed for at least one month, and the holiday falls within their regularly-scheduled work hours.

The holiday schedule for the following year is announced in the fall. Holidays occurring during an employee's vacation are not charged against vacation time.

## Personal Days

Depending on the number of official holidays in a calendar year, one or more additional personal days are given to complete the 12-day total. (This is shown on the holiday schedule distributed each Fall.)

Personal days must be requested at least two days in advance, from your supervisor. Personal day requests that cannot be accommodated will be rescheduled to a mutually agreeable time. No personal days may be carried over into the following calendar year.

As a new employee, you are eligible for a personal day after three months of employment. In a year with two personal days on the holiday schedule, new employees hired between 1 January and 30 June are eligible for both days; those hired between 1 July and 15 September are eligible for one day, subject to the three-month waiting period mentioned above.

Employees terminating employment for any reason are not entitled to payment for any unused personal time.

## Vacations

Vacation time is provided to employees by AIP in recognition of the importance of uninterrupted periods of rest, relaxation, and time with family members. Accordingly, vacation time is to be used for vacation. It may not be "cashed in" by working during a vacation period. A maximum of 30 days may be carried over from one year to the next. At the beginning of each year, all unused vacation days in excess of 30 will be credited to your sick leave accrual account (see Sick Leave Accrual), except as described under "Exceptions," on page 15.

Regular employees who have worked at AIP for at least six full months qualify for paid vacation on the following basis.

### Length of Service

• Within the first year of employment at AIP	One day of vacation per month
• First anniversary through fifth anniversary (2nd, 3rd, 4th, 5th years of employment)	One and one-quarter days of vacation for each month employed (15 vacation days for a full 12-month year worked)
• Sixth year of employment and each year thereafter	One and two-thirds days of vacation for each full month employed (20 vacation days for a full 12-month year worked)

Because work schedules vary, one day of vacation is defined as 1/5 of your regular weekly work schedule.

Hourly in-house employees who consistently work a minimum of 15 hours per week and have worked at AIP for at least one year qualify for paid vacation on the following basis:

- |   |  |
|---|--|
| • First anniversary through second anniversary (2nd year of employment) | One half day of vacation for each month employed (6 vacation days for a full 12-month year worked) |
| • Third year of employment and each year thereafter                     | One day of vacation for each month employed (12 vacation days for a full 12-month year worked)     |

Additional vacation days are awarded in recognition of special employee service anniversaries, as follows:

- |  |           |
|--|-----------|
| • Upon completion of 15 years of service | Five days |
| • Upon completion of 20 years of service | 10 days   |
| • Upon completion of 25 years of service | 10 days   |
| • Upon completion of 30 years of service | 10 days   |

### Exceptions

Following the 15th and up to the 20th year of service, you may carry over 35 days of vacation. Following the 20th year of service, you may carry over 40 days of vacation.

Vacation schedules must be approved by the appropriate supervisor prior to any vacation. Supervisors are to consider schedules and business conditions for the requested vacation period and the length of service of the requesting employee.

Employees terminating employment for any reason are entitled to payment for all unused vacation time accrued.

## **Service Awards**

In recognition of the value of its employees, AIP offers service anniversary awards at the following times: 5, 10, 15, 20, 25, 30, 35, and 40 years of service. 5 and 10 year awards are given at the annual holiday party. 15 year awards are given at the annual 15-year Club Luncheon.

## **Overtime**

Employees are expected to work overtime when requested to do so by their supervisors. Overtime work is not permitted except when specifically authorized.

Overtime work by non-exempt employees will be paid at the regular rate for all hours up to 40 per week and at one and one-half times the regular rate of pay for all hours worked in excess of 40 per week. Every effort will be made to provide advance notice when overtime work is required.

## **Your Paycheck**

All employees are paid bi-weekly.

When a payday falls on a holiday, payroll checks will be distributed on the preceding working day.

Your paycheck includes all earnings including any overtime that is submitted by the payroll deadline. Year-to-date earnings are itemized on the check.

If you are absent on payday, your paycheck will be held in Human Resources.

Forms required for Direct Deposit are available in Human Resources.

## Personnel Records

Human Resources maintains appropriate records concerning your employment at AIP. It is important that you provide Human Resources with current information to update your personnel records, particularly in case of emergency and to ensure receipt of benefits.

Employees should immediately notify their supervisor or Human Resources of any changes in:

- Name
- Address
- Telephone Number
- Marital Status
- Number of Dependents  
(For W-4 use and benefit enrollment)
- Emergency Information
- Beneficiary(ies) for insurance purposes
- Dependent(s) reaching the age of 23

## Performance Reviews

Our policy is to pay competitive wages in order to attract and retain quality employees. In addition, AIP periodically evaluates the performance of each employee. The Institute normally reviews employees' performance annually. All new hires will receive a performance review at the end of their six-month introductory period.

Performance is rewarded based on merit. Our performance evaluation program gives you an opportunity to sit down with your supervisor to review how your work has progressed since your last review. During this evaluation mutual goals for the future are discussed, as are steps that may be necessary to reach those goals.

While we have established a schedule for performance evaluation, this schedule is not intended to limit discussions of performance, goals, and/or objectives to those times. We urge you, as we urge our supervisors, to discuss any questions or problems related to your performance on an ongoing basis. We hope this type of communication will enhance your performance and ensure our mutual success.

## **Staff Development and Advancement**

We believe that employees should have the opportunity to increase their knowledge and skills, to improve current performance and (when qualified) assume new responsibilities. Therefore, you are encouraged to improve your knowledge and skills in order to become qualified for more responsible positions. We assist you, where appropriate, in the achievement of your personal goals with training programs and the Tuition Assistance Plan.

Because of the training required for most positions at AIP, a regular employee may not apply for a position in another division before completing one year in your present position.

Advancement at AIP is based on merit (e.g., consistently good performance and reliability; necessary knowledge and skills; and demonstrated ability to accept increased responsibilities). The Institute will attempt to promote employees wherever possible to fill openings at higher levels of responsibility. Job openings at AIP are posted on bulletin boards at all locations, and qualified staff are encouraged to apply.

In selecting applicants for available positions, consideration will be given to performance reviews, background and educational qualifications, length of service, and supervisor's recommendations.

## **Pat on the Back**

A manager may, with approval from his or her Director or Officer, award a monetary "Pat on the Back" (\$100 cash) to an employee deemed to have made a significant extra effort or contribution to the department of the Institute. All "Pat on the Back" recommendations are made in writing and must be approved by the Director, Human Resources:

## **Tuition Assistance Plan**

Upon approval, the Institute will pay up to 100% of the tuition and registration fees, and up to \$500 for course-related books at the time of enrollment, for courses taken by eligible employees. To be eligible, you must have worked for AIP for at least six months as a regular employee. You must obtain a grade of "C" or better to receive 75% reimbursement or a grade of "B" or better to receive 100% reimbursement (job-related courses only). There is a maximum of \$3,500 per school year.

To be eligible as an hourly or cottage industry employee, you must have worked for AIP continuously and consistently for one year and obtain a grade of "C" or better to receive 50% reimbursement. There is a maximum of \$500 per school year (from September through August).

Approved courses include those that are pertinent to your work, that lead towards a degree at an accredited school, or that are taken to fulfill matriculation requirements.

Forms and further information can be obtained from Human Resources.

## **Employee Assistance Program**

AIP's Employee Assistance Program (EAP) provides a highly confidential and experienced source of help for employees who are experiencing human problems such as finding sources of elder care or child care, legal or financial difficulties, substance abuse, or other personal/family situations. In most instances problems of a personal nature can be resolved without the services of the EAP. Sometimes, however, this is not the case. Under such conditions, it may be in the best interest of all employees, family members, and the Institute to seek outside assistance.

The Institute has retained the services of Corporate Counseling Associates. One of the most important reasons for selecting an outside firm is to ensure confidentiality.

## Employee Benefits Program

AIP provides an excellent, comprehensive employee benefits package to all eligible employees.

The Institute may, in its discretion, amend, modify, or discontinue the benefits should it become desirable or necessary. Each fall the Institute reviews its benefits programs, looking at utilization, enrollment, and costs. Any change in coverage or cost will be communicated to employees during the Open Enrollment Period in November. Included among the coverages in our insurance benefit program are: medical, dental, vision, life insurance, travel and accident insurance, prescription drug, retirement, and short-term and long-term disability insurance. All regular employees are eligible for enrollment in these group plans on the first day of the month after completion of three months of continuous employment.

### Domestic Partner Health Insurance Coverage

The Institute offers medical and dental/vision coverage through its insurance carriers to same sex domestic partners of its active employees. The domestic partner is responsible for the full premium cost of the insurance plan. In addition, these benefits are extended to the children of the domestic partner. Domestic partners are included in the following policies: bereavement leave, sick leave, and "Family/Medical Leave."

*Domestic partners* will be defined as two adults of the same sex who are not related by blood, who have lived together continuously for at least one year and plan to do so indefinitely, are mutually responsible for their common welfare, reside at the same address, and maintain no other domestic partnership or marriage.

Full descriptions of each of the above-mentioned coverages are provided in separate benefit booklets and the policy certificates. The benefit booklets, summarizing each provided benefit, are distributed to all new employees by Human Resources. Questions concerning eligibility, enrollment, coverage, and claims should also be directed to Human Resources.

## Employee Referral

Any regular employee who refers an applicant who is employed by the Institute for six continuous months will receive the following referral fees:

Regular full-time position: \$400.00

Regular part-time position: \$200.00

Cottage industry & hourly positions: \$150.00

This bonus will be paid following the applicant's successful completion of the six-month introductory period provided the referring employee is still employed at AIP.

If the new employee completes a year of continuous employment and is in a regular full-time position in exempt grade 7 or above, the referring employee will receive an additional \$400.00.

## Employment of Relatives

Having members of the same family employed by the Institute can be a positive factor adding to the strength of the staff and is encouraged except as set forth below.

1. No relatives may be employed in the same section.
2. No relatives may be employed in positions such that one has supervision, directly or indirectly, over the other, or has any influence or appearance of influence over the other's employment, promotion, salary, or other related management or personnel actions.

## **Jury/Witness Duty**

Jury duty is a civic responsibility. All employees who are required to serve on a jury on a scheduled work day will receive their regular pay from AIP for hours they are not able to work because of the time served on jury duty. They must present the court summons to Human Resources. If hours of work do not conflict with jury service, the employee is expected to report for regular work hours.

In instances where the locality pays a per diem stipend, employees keep only the amount designated for transportation and return the balance to AIP.

## **Bereavement Leave**

Regular employees are eligible for paid bereavement leave for up to three working days (for long-distance travel an extra day will be granted) in the event of a death in an employee's immediate family and one day for all other family members.

Immediate family for the purpose of this policy shall be defined as spouse, children, parents, grandparents, grandchildren, sisters, brothers, parents-in-law, and domestic partners (see page 22 for definition of domestic partner). Where a question arises, appropriate documentation must be submitted to the employee's supervisor to receive pay for bereavement leave.

## **Family and Medical Leave Policy**

### **The Leave Policy**

You are eligible to take up to 12 weeks of unpaid family/medical leave within any 12 month period and be restored to the same or an equivalent position upon your return from leave provided you: (1) have worked for the Institute for at least 12 months, *and* for at least 1250 hours in the last 12 months; and (2) are employed at a worksite that has 50 or more employees within 75 miles of each location.

### **Reasons For Leave**

You may take family/medical leave for any of the following reasons: (1) the birth of a son or daughter and in order to care for such son or daughter; (2) the placement of a son or daughter with you for adoption or foster care and in order to care for the newly placed son or daughter; (3) to care for a spouse, son, daughter (child must be under 18 years of age), or parent ("covered relation") with a serious health condition; (4) same sex domestic partners and their children; or (5) because of your own serious health condition which renders you unable to perform an essential function of your position. Leave because of reasons "1" or "2" must be completed within the 12 month period beginning on the date of birth or placement. In addition, spouses employed by the Institute who request leave because of reasons "1" or "2" or to care for an employee's parent or child with a serious health condition may only take a combined total of 12-weeks' leave during any 12-month period.

### **Notice Of Leave**

If your need for family/medical leave is foreseeable, you must give the Institute at least 30 days prior written notice. If this is not possible, you must at least give notice as soon as practicable (within 1 to 2 business days of learning of your need for leave). Failure to provide such notice may be grounds for delay of leave. Additionally, if you are planning a medical treatment you must consult with the Institute first regarding the dates of such treatment. Where the need for leave is not foreseeable, you are expected to notify the Institute within 1 to 2 business days of learning of your need for

leave, except in extraordinary circumstances. The Institute has Request for Family/Medical Leave forms available from Human Resources. You should use these forms when requesting leave.

### **Medical Certification**

If you are requesting leave because of your own or a covered relation's serious health condition, you and the relevant health care provider must supply appropriate medical certification. You may obtain Medical Certification forms from Human Resources. When you request leave, the Institute will notify you of the requirement for medical certification and when it is due (at least 15 days after you request leave). If you provide at least 30-days' notice of medical leave, you should also provide the medical certification before leave begins. Failure to provide requested medical certification in a timely manner may result in denial of leave until it is provided.

The Institute, at its expense, may require an examination by a second health care provider designated by the Institute, if it reasonably doubts the medical certification you initially provide. If the second health care provider's opinion conflicts with the original medical certification, the Institute, at its expense, may require a third, mutually agreeable, health care provider to conduct an examination and provide a final and binding opinion. The Institute may require subsequent medical recertification. Failure to provide requested certification within 15 days, if such is practicable, may result in delay of further leave until it is provided.

### **Reporting While On Leave**

If you take leave because of your own serious health condition or to care for a covered relation, you must contact the Institute on the first and third Tuesday of each month regarding the status of the condition and your intention to return to work. **In addition, you must give notice as soon as practicable (within 2 business days if feasible) if the dates of leave change or are extended or initially were unknown.**

### **Leave Is Unpaid**

Family/medical leave is unpaid leave (**although you may be eligible for short-term disability payments and/or workers' compensation benefits under those insurance plans which are mentioned elsewhere in the *Handbook***). If you request leave because of your own serious health condition, sick leave will first be substituted for any unpaid family/medical leave. The substitution of paid leave time for unpaid leave time does not extend the 12-week leave period. Further, in no case can the substitution of paid leave time for unpaid leave time result in your receipt of more than 100% of your salary.

### **Medical and Other Benefits**

During an approved family/medical leave, the Institute will maintain your health benefits as if you continued to be actively employed. If your leave is unpaid, you must pay your portion of the premium. Your health care coverage will cease if your premium payment is more than 45 days late. If your payment is more than 30 days late, we will send you a letter to this effect. If we do not receive your co-payment within 15 days of this letter, your coverage will cease. If you elect not to return to work for at least 30 calendar days at the end of the leave period, you will be required to reimburse the Institute for the cost of the health benefit premiums paid by the Institute for maintaining coverage during your unpaid leave, unless you cannot return to work because of a serious health condition or other circumstances beyond your control.

### **Intermittent and Reduced Schedule Leave**

Leave because of a serious health condition may be taken intermittently (in separate blocks of time due to a single health condition) or on a reduced leave schedule (reducing the usual number of hours you work per workweek or workday) if medically necessary. If leave is unpaid, the Institute will reduce your salary based on the amount of time actually worked. In addition, while you are on an intermittent or reduced schedule leave, the Institute may temporarily transfer you to an available alternative position which better accommodates your recurring leave and which has equivalent pay and benefits.

### **Returning From Leave**

If you take leave because of your own serious health condition (except if you are taking intermittent leave), you are required to provide medical certification that you are fit to resume work. You may obtain Return to Work Medical Certification Forms from Human Resources. Employees failing to provide the Return to Work Medical Certification Form will not be permitted to resume work until it is provided.

### **Extended Leave For Serious Health Condition**

Leave taken because of your own serious health condition may be extended on a month-to-month basis for a maximum of an additional four weeks upon: (1) written request to the Institute; (2) proof that the serious health condition has continued; and (3) approval by the Institute (which is subject to its business needs). If you do not return to work on the originally scheduled return date nor request in advance an extension of the agreed upon leave with appropriate documentation, you will be deemed to have voluntarily terminated your employment with the Institute. If you request an extension of your leave beyond the initial 12-week period, you must submit medical certification of your continued serious health condition in advance for each month that the leave is extended. Reinstatement is not guaranteed on an extended leave and will depend on the Institute's needs.

### **No Work While On Leave**

The taking of another job while on Family/Medical Leave or any other authorized leave of absence is grounds for immediate termination.

**State and Local Family and Medical Leave Laws and Other Company Policies** - Where state or local family and medical leave laws offer more protections or benefits to employees, the protections or benefits provided by such laws will apply.

### **Leave of Absence Without Pay**

Approval for unpaid leave may be granted, at the discretion of management, for reasons such as important personal or family matters, educational course requirements, vacation, community or public service work, religious retreat, or military summer camp. In all cases, accrued vacation time must be used before unpaid leave begins.

## **Military Leave of Absence**

If you enter the military service of the United States, you are eligible for an unpaid military leave of absence. Present Human Resources with a copy of your service papers as soon as you receive them.

During your absence, your length of service accumulates and upon application within 90 days from date of discharge from military service, you will receive the current rate of pay and other benefits which have changed during your absence.

If you are recalled to attend yearly Reserve or National Guard duty, you will be granted a temporary military leave of absence. You should give your supervisor and Human Resources as much advance notice as possible so that we may ensure proper coverage while you are away. In addition, if you are in the Reserves or National Guard and have completed your introductory period before commencing the reserve duty, the Institute will pay the difference between your service pay and your basic earnings for a maximum period of two weeks per year. Proof of reserve pay is required in order to enable the Institute to pay you accordingly.

## **Harassment**

The Institute prohibits harassment of one employee by another employee, supervisor, or third party on the basis of race, religious creed, color, age, sex, sexual orientation, marital or veteran status, national origin, citizenship, ancestry, or mental or physical disability.

While it is not easy to define precisely what harassment is, it certainly includes teasing, slurs, epithets, threats, derogatory comments, unwelcome jokes or advances, suggestive behavior and/or verbal or physical conduct including, but not limited to, drawings, pictures, jokes, teasing, unwanted touching, or other similar conduct.

Any employee who feels that he or she has been subject to harassment, or he/she witnesses such conduct, should report this immediately to his/her supervisor, the Director, Human Resources, or the Human Resources Manager. All allegations of harassment will be speedily and discreetly investigated and appropriate action taken. Employees participating in any investigation under this policy will have the Institute's assurance that no reprisals will be taken as a result of a harassment complaint.

Violations of this policy will not be tolerated and may result in disciplinary action up to and including discharge.

## **Sexual Harassment and Prevention**

The Institute prohibits sexual harassment of any employee by another employee, supervisor, or third party. While it is not easy to define precisely what sexual harassment is, it certainly includes unwelcome sexual advances, requests for sexual favors and/or verbal or physical conduct of a sexual nature including, but not limited to, drawings, pictures, jokes, teasing, uninvited touching or other sexually related comments.

Harassment may take the form of either overt conduct or the existence of a "hostile environment." While it is not easy to define precisely what overtly harassing conduct is, it certainly includes unwelcome advances, requests or suggestions and any act, physical, verbal or visual such as uninvited touching or offensive comments.

A harassing or hostile environment is one which allows for, and possibly encourages, jokes or degrading comments of a sexual nature directed at a person or a group of people. Such behavior will not be condoned in the workplace.

Violation of the policy may result in disciplinary action up to and including dismissal of the harasser.

## General Rules of Conduct

As we are all aware, rules and regulations are essential to the general safety and welfare of our employees and to the efficient operation of the Institute. The following rules have been established for everyone's guidance while employed at AIP. This list of rules is not intended to be all-inclusive, since it is impossible to determine all the circumstances which may arise. However, these rules will provide illustrative standards by which employees should conduct themselves. All employees of AIP are employed at-will. Accordingly, employees may be terminated at anytime, with or without cause and with or without notice.

The procedure for handling discipline may include verbal warning, written warning, suspension without pay, and termination of employment. However, some situations may require immediate termination.

The following are examples of unauthorized behavior:

- Insubordination
- Foul or abusive language
- Use or possession of intoxicants or illegal drugs on or off AIP's premises during work hours; reporting to work while under the influence of intoxicants or illegal drugs
- Sleeping on the job
- Fighting on the job or the threat of bodily harm to others while on the job
- Misuse of or damage to Institute material or equipment or to the material or equipment of another employee
- Unauthorized removal of property belonging to the Institute or another employee
- Carelessly endangering the safety of oneself or others
- Constant pattern of tardiness or absenteeism without authorization
- Misbehavior including but not limited to: horseplay, harassing or intimidating fellow employees, making malicious or derogatory statements about fellow employees or about the Institute, misuse of confidential information, falsifying records, and illegal conduct

- Violation of safety or other operating rules. A positive attitude for the safety of your fellow employees and yourself must be observed at all times. This includes using proper safety equipment and reporting any unsafe practice to your supervisor
- Carrying or possessing weapons of any kind on Institute property
- Parking in non-designated areas
- Unauthorized use of Institute telephones
- Solicitation of any kind by an employee of another employee while either is on working time
- Inappropriate dress

## Electronic Communications Policy

The Institute's e-mail system is normally for business use only. Electronic communications should have a business purpose and may not be used to solicit for religious or political causes, outside organizations or other personal matters unrelated to the business of the Institute. Employees should be aware that the Institute may access electronic communications at any time for any reason.

Staff of the Institute may access its electronic communications systems without notice to users; reasons for such access include (but are not limited to): routine system maintenance, prevention or investigation of alleged misuse of its systems, and assuring compliance with software copyright laws.

The Institute's policy prohibiting harassment applies to the use of the Institute's electronic communications systems.

Employees who violate the Institute's Electronic Communications Policy may be disciplined, up to and including termination.

## **Miscellaneous**

### **Access Cards**

Maryland employees will be issued security access cards, which will admit them into the building through security doors and will serve as identification upon request.

### **Bulletin Boards**

Important business notices and items of general interest are continually posted by Human Resources on our employee bulletin boards at all locations. Make it a practice to review them frequently. This will assist you in keeping up with what is current at AIP. Employees are not permitted to post material on the bulletin board or elsewhere in AIP facilities.

### **Child Care Centers**

ACP's Child Care Center in College Park, Maryland and AIP's Center in Melville, New York accept children from six weeks through five years of age. The Maryland Center operates from 8:00 a.m. to 6:00 p.m. and the Melville Center operates from 7:45 a.m. to 5:45 p.m., Monday through Friday, when the Institute is open. Fees are based upon the child's age and the program in which the child is enrolled.

Our first priority is the nurturing development of children in a secure environment. The Centers are staffed by professional early childhood educators and provide a wonderful place to play, learn, and grow.

### **Dress Code**

The Institute expects each employee to maintain a neat, well-groomed appearance, and to behave in a professional manner. Unbusinesslike conduct will be brought to the employee's attention by the immediate supervisor.

### **Identification/Access Badges**

New York employees will be issued photo identification badges which will admit them to the building as well as AIP areas. At times, employees may be asked to display their badges. All visitors must register and receive a temporary identification badge at the reception desk.

### ***INSIDE AIP***

This newsletter, published monthly, is distributed to all staff.

### **Inclement Weather Closings**

The Institute monitors all hazardous weather conditions. If a decision for a closing or late arrival is made, management will communicate information concerning revised business hours.

In **New York**, there is a "snow list," which is activated as a telephone chain; once the decision to close (or to open late) has been made, employees designated as part of the telephone relay will proceed with their departmental calls. We will make every effort to notify WALK FM 97.5, WBAB FM 102.3, and WHLI AM 1100 or 740, as early as possible of any closing or delayed opening. All employees will be notified as early as possible.

In **Maryland**, on the first day of inclement weather, all organizations in ACP will follow the decision announced by the University of Maryland. The next day and every day thereafter, there will be a recorded message on the AIP "snow line" (301/209-3636) advising employees of a closing or of revised business hours for the day.

If an early closing time is announced, all employees are expected to observe the revised hours of work. An employee who has a planned day off when the office is closed due to inclement weather will be charged accordingly (i.e., vacation or personal day).

An employee who feels unable to travel to work because of severe weather conditions on a day when the Institute is open for business may use a day of vacation or personal leave. If you have no personal or vacation time available, you may take a day of unpaid leave. Advise your supervisor at the start of your shift if you will not be able to work.

**Lunchrooms**

The Institute maintains lunchrooms at its New York and Maryland locations. Free coffee and tea are provided in the morning before 8:45 a.m. (NY) and 8:30 a.m. (MD), during lunch time, and during morning and afternoon breaks at all locations. Employees must arrange their lunch time, at the discretion of their supervisors, between the hours of 12:00 noon and 2 p.m.

**Personal Visits and Telephone Calls**

Any necessary personal telephone calls should be made during break or lunch periods. Should an emergency arise, your family or friends should be directed to contact Human Resources and someone there will arrange that you be notified.

## **Solicitation/Distribution**

We believe that employees should not be disturbed or disrupted in the performance of their job duties. For this reason solicitation of any kind by an employee of another employee is prohibited while either person is on working time. Solicitation of any kind by non-employees is prohibited at all times.

Distribution of advertising material, hand bills, printed or written literature of any kind in working areas of our Institute is prohibited at any time. Distribution of literature by non-employees on Institute premises is prohibited at all times.

## **Good Housekeeping**

Good housekeeping not only improves the appearance of our facilities, but also prevents fires, accidents, and personal injuries. You are responsible for keeping your work area clean and neat at all times. AIP counts on you to keep our work environment clean and safe. We urge you to discard or recycle all garbage in the receptacles provided throughout our buildings.

Our mutual effort in keeping AIP's work environment clean and professional in appearance at all times will make our time at work safer and more enjoyable.

## Safety First

AIP maintains an active safety program. Your cooperation is a vital part of this program to protect you, your fellow employees and our visitors from injury. The following are some safety rules we would like you to pay particular attention to:

- Immediately report any condition or practice that appears unsafe to your supervisor.
- Operate only equipment that you are trained and authorized to use.
- Observe smoking regulations which permit smoking only in designated areas outside the buildings.
- In case of fire, designated people are stationed in each area to act as fire wardens. Please look to them for instructions, and obey their orders.
- Do not block fire corridors or fire exit doors. Furniture, equipment, or electric cords may not be stored in front of exit doors.
- Familiarize yourself with the location of fire extinguishers in all areas of our building.
- Approach walkways and intersections carefully. Do not run in the building.
- Drive cautiously in parking areas.
- Become familiar with emergency evacuation procedures.
- Wear safety gear where necessary.
- Do not bring unauthorized visitors into AIP.
- Immediately report all injuries incurred by yourself, fellow employees, or visitors, however slight, to your supervisor and Human Resources. They will assist in arranging for appropriate medical attention.

## **Smoking Policy**

For the health and comfort of its employees and in compliance with applicable laws and regulations, the Institute maintains smoke-free facilities in its Maryland and New York locations. Smoking is not permitted in AIP buildings (owned or leased property).

## **Drug-Free Workplace Policy**

It is the policy of the Institute, in compliance with federal, state, and local regulations, to prohibit the unlawful manufacture, sale, transfer, possession, or use of a controlled substance on the Institute's premises or work sites, including the Institute's vehicles and any private vehicles parked at Institute work sites, or while engaged in Institute activity at other locations. The Institute's Drug-Free Workplace Policy is available in Human Resources.

Full compliance with the Drug-Free Workplace Policy is a condition of employment and continued employment at the American Institute of Physics. Any employee who violates the policy shall be subject to discipline up to and including immediate discharge.

## **Employment at Will**

All employees of the Institute are at-will employees. This means that the employment relationship may be terminated by either the employee or the Institute for any reason and without prior notice.

The policies and procedures of the Institute, or statements made by any employee of the Institute, whether oral or written, are not contracts. These policies, procedures, or statements are not a guarantee of employment for any length of time or for any particular terms or conditions of employment. These policies, procedures, and statements may be changed at any time, with or without notice and should not be relied upon by any employee or applicant.

The "employment at will" relationship can only be changed by an agreement, in writing, specifically modifying this relationship, and signed by Institute official.

## **If You Must Leave Us**

Your employment with AIP is not for any stated period, and you may resign at any time. We understand there may be circumstances which may necessitate the termination of your employment with us. We request that you provide your supervisor with as much advance notice as possible. Your thoughtfulness will be appreciated. Similarly, AIP may terminate the employment relationship at any time and for any reason. At the end of your employment, you will be paid for time actually worked and accrued vacation.

## **A Few Closing Words**

The information in this *Handbook* is general in nature. Should questions or discrepancies arise, established procedures will be consulted for complete details. The policies, benefits, and rules contained in this *Handbook* may be changed or deleted at any time.

Again, welcome to AIP. Please speak to your supervisor or Human Resources if you have questions that are not answered by this *Handbook*.

## Receipt of *Employee Handbook*

I have received a copy of the AIP *Employee Handbook* and understand that I am responsible for becoming familiar with the policies described in it. I understand that the information contained in it represents management guidelines only, which may be modified from time to time. This *Handbook* is not a contract. I understand that neither the *Handbook's* policies nor any other representations made by a management representative, at the time of hire or at any time during employment, are to be interpreted as a contract between the Institute and any of its employees. I further understand that my employment is voluntarily entered into, that I am free to resign at any time, and that AIP may terminate the employment relationship whenever it determines that it is in its best interest to do so, and do so with or without notice or cause. *I understand that I am employed at will.*

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Signature

Date

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Employee's Name  
(print please)

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TO: All PT Personnel  
FROM: Steve Benka  
SUBJECT: Retreat

November 15, 1996

Each of us has work-related concerns, ideas, complaints, and suggestions for change at *Physics Today*. Yet these concerns, ideas, complaints, and suggestions (CICS) are often unvoiced or unheard, which means they are also undiscussed in any productive way.

Our impending retreat provides us with an excellent opportunity to put our CICS "on the table" and begin to examine them honestly. I invite each of us, to reflect on our own CICS, and present them openly at the retreat. Anything related to *Physics Today* is fair game: its management, structure, procedures, content and appearance, your role or department, and so on. Jotting them down may be helpful. Don't be bashful. The only repercussions from an honest dialog amongst ourselves will be improved understanding of (and by) everyone involved. My preference is that we focus on issues within our control, rather than issues such as AIP management over which we have no control.

I would like to devote Wednesday morning to our individual CICS, and propose to run it conference-style, with 15 minutes allowed for each person to speak, followed by 5 minutes for clarifying questions but no discussion. The order will be determined by drawing names from a hat. I will have a timer, and someone else will monitor it when my name is drawn.

I am grateful for this opportunity, and deeply appreciate everyone's participation.

I suggest the following format:

Tuesday evening —

Dinner, Speech by Charles, Distribution of Advisory Committee Report.

Wednesday morning —

15-minute presentations by each individual

Wednesday afternoon —

Free-form group discussion of global concerns, ideas, suggestions & models

D01377

## AGENDA — Preliminary

### Tuesday:

4pm, leave ACP to arrive at retreat by 5pm  
5pm, this preliminary agenda distributed for comment, possible change  
6 or 6:30pm (Carol wasn't sure), dinner  
After dinner, Charles, Steve talk about the magazine, present vision

### Wednesday:

7:30am, coffee  
8:00am, breakfast  
8:30am, 1st session  
10:00am, break  
10:30am, 2nd session

Noon, lunch

12:30pm, 3rd session  
1:30pm, break  
2:00–??pm, 4th session

## PROPOSED SESSION CONTENT

(Proposed: That we defer discussion of improving editorial content)

1st session: 8:30–9:00, Anonymous proposals 1, 2a, 2c, 6, 7, 8, 10. The "easy" ones?  
9:00–9:30, Explore inhouse communications (includes anonymous 2b)  
9:30–10:00, Strategy to improve inhouse communications (includes anonymous 3)

2nd session: 10:30–11:15, Magazine infrastructure—support staff. Discuss magazine's needed tasks, current tasks, and new hires. We all have a stake in this.  
11:15–12:00, Magazine infrastructure—support functions procedures. Do we know know to get things done? Can it be improved?

3rd session: 12:30–1:30, Editorial operations. 30 minutes of exploration, 30 minutes to reach conclusions / strategies / solutions.

4th session: 2:00–3:00, Closure. What will we do immediately? Gradually? Eventually? How? Do we do this again? When?

## **A Modest Proposal**

### **Background**

At our retreat last year at the Belmont Manor, it became clear that the editorial staff was divided. Those that have been at the magazine the longest and who have had the greatest opportunity to shape the magazine as it exists today, tend to prefer more hierarchical management with commensurate job titles that reflect this order. To the credit of members of this group, the magazine has maintained high standards of accuracy and balance. The magazine and AIP have seldom been embarrassed—no cold fusion Mickies in our drinking glasses—but the price is often a more protracted editing process and leaden rhetoric. This group feels the present structure ensures the integrity of the magazine, and any change—especially any collective effort by less experienced members of the staff—is reckless and threatening to all they work hard to maintain.

Those that have joined the staff more recently prefer a more democratic, participatory style of management. They feel that more entrenched members of the staff exercise a disproportionate influence on the magazine, keeping PHYSICS TODAY from adjusting in style and content to physics today. They feel their own ideas are often squelched, either directly or through the outside review process. The result is diminished enthusiasm for the job. People adjust their relationship with the enterprise. They either become more reticent or go away.

### **“What is to be Done?”**

Vladimir Ilyich Ulyanov

How do we reconcile these differences? How do we maintain the authority of PHYSICS TODAY but develop a *dolce style novista*? How do we make sure new staff members are given

the opportunity to help shape the magazine, but are also provided a safety net? Whether we resent it or not, PHYSICS TODAY is still the prime reason for membership in our member societies, and as Kumar Patel has pointed out, any change in PHYSICS TODAY makes our member societies very nervous. Witness the task force that has just been formed at APS to evaluate PHYSICS TODAY.

Anyway, after a lengthy conversation with Graham Collins and some subsequent speaks with Steve Benka, here are some suggestions that I came away with that should improve our working environment and might even produce a better magazine:

- Monthly general meetings. My record on this is not good, but I think we now have a simple mechanism to insure they take place: schedule the next one at the end of this one. All of the staff are expected to attend. They last two hours. Anyone can suggest items for the agenda. The group determines the agenda, but time limits must be set. The majority must be mindful of the rights of those holding minority points of view. Decorum must be courteous and respectful. Issues that cannot be addressed or resolved within allotted time limits may be held over to future meetings. Management must always reserve the right to make final decisions, but must be mindful of the collective will of the staff.
- Basic rules of conduct. No biting, no rabbit punches, no hitting below the belt, no disruptive behavior, no individual or collective intimidation. While we can't <sup>be</sup> guaranteed life employment—performance reviews are still the responsibility of those with management responsibilities, and continued employment is based on satisfactory performance—the staff should be free to engage in constructive criticism and discussion without fear of retribution.
- Polled responses to new ideas and suggestions. We do it for cartoons; why not do it for

*Poll those who  
are absent*

the more serious stuff? When departments, comprised of more than one, meet to discuss issues, why not poll all the members of the group to insure that their opinions are known. If the group is divided over an issue and it cannot be resolved, it can be an item on the agenda of our monthly general meeting.

Steve:

I have still hesitated to send my reply to the anonymous message. I still might do so, but I just don't want to sidetrack us by discussing some issues while we are still trying to decide what issues to discuss (was that clear?).

Barbara

[illegible]

D01382

From: Stephen Benka  
To: ALL-PT  
Date: 11/17/96 6:24pm  
Subject: Job Security

TO: All PT Staff  
FROM: Steve Benka  
SUBJECT: Job Security

Item number 1 on the anonymous agenda expresses concern about speaking one's mind.

Nobody's job will be jeopardized by speaking freely and airing their views on matters pertinent to the magazine. I actively encourage the expression of views that may differ from my own. It is by pooling all of our individual experience, all of our individual creativity, all of our individual ideas and resources that we can get to the root causes of our concerns, and find solutions. Freedom to talk to each other about them is essential. I caution us all, however, to focus our energies and discussions on the issues --- not on the personalities involved. Certainly personal attacks are not productive.

I repeat. The retreat, and Physics Today in general, is a 'safe' place for such discussions.

There are, however, no guarantees of lifetime employment at AIP for any of us, from the Publisher on down (and up). We all have jobs to do, and we must do them well. Basing job security on job performance is sound. That won't change.

D01383

From: Stephen Benka  
To: ALL-PT  
Date: 11/15/96 10:37am  
Subject: Upcoming Retreat

TO: All PT Personnel  
FROM: Steve Benka  
DATE: November 15, 1996  
SUBJECT: Retreat

Each of us has work-related concerns, ideas, complaints, and suggestions for change at *Physics Today*. Yet these concerns, ideas, complaints, and suggestions (CICS) are often unvoiced or unheard, which means they are also undiscussed in any productive way.

Our impending retreat provides us with an excellent opportunity to put our CICS "on the table" and begin to examine them honestly. I invite each of us to reflect on our own CICS, and present them openly at the retreat. Anything related to *Physics Today* is fair game: its management, structure, procedures, content and appearance, your role or department, and so on. Jotting them down may be helpful. Don't be bashful. The only repercussions from an honest dialog amongst ourselves will be improved understanding of (and by) everyone involved. My preference is that we focus on issues within our control, rather than issues such as AIP management over which we have no control.

I would like to devote Wednesday morning to our individual CICS, and propose to run it conference-style, with 15 minutes allowed for each person to speak, followed by 5 minutes for clarifying questions but no discussion. The order will be determined by drawing names from a hat. I will have a timer, and someone else will monitor it when my name is drawn.

I am grateful for this opportunity, and deeply appreciate everyone's participation.

I suggest the following format:

Tuesday evening --- Dinner, Speech by Charles, Distribution of Advisory Committee Report (currently in the mail).

Wednesday morning --- 15-minute presentations by each individual

Wednesday afternoon --- Free-form group discussion of global concerns, ideas, suggestions & models.

D01384

15 November 1996

Proposals for discussion at Physics Today retreat

The following proposed agenda items are in the spirit of Steve's invitation to put our concerns "on the table." This list was put together by some of the staff, based on discussions among staff members. The theme of these proposals derives from the main points raised by the Physics Today advisory committee: openness, staff empowerment and editorial efficiency. The proposals address issues that are very important to at least some of the staff, and they are intended to provide a basis for discussion. Each proposal is subject to adoption, modification or rejection during the retreat. PLEASE ADD TO THE LIST.

1. Agreement that we want to keep all the present staff members.
  - Security is a prerequisite for speaking freely, sharing ideas and experimentation.
2. Openness.
  - Recognize that all staff members are legitimately concerned about all aspects of the magazine -- both content and process.
  - Proposed changes in magazine's content or process should be announced to the staff and discussed.
  - Make letters to the editor available to all staff.
3. Volunteer reporters -- a staff-based information system.
  - Reporter gathers and disseminates information on progress toward agreed-upon goals. Not intended to replace management's information system. (Example: reporting on progress toward hiring someone to categorize books.)
4. Problem resolution: Editorial and other.
  - Editorial judgment: Burden of proof on critic.
  - In disputes, staff members are encouraged to consult others on staff.

D01385

5. Distribute work according to staff interest.
  - Adjust job descriptions of yet-to-be-hired editorial and secretarial staff members based on current staff interests.
6. Physics Today management should act in a way that leads staff to see them as their advocates rather than as the local representatives of higher management.
  - Advocates in editorial controversies.
  - Advocates in annual reviews.
7. Voluntary staff participation in hiring.
  - Participate in writing job advertisements.
  - Examine resumes.
  - Talk to candidates.
  - Offer recommendations.
8. Take affirmative action to increase diversity of Physics Today staff.
9. Allow staff to solicit outlines for articles.
10. No need for detailed schedules.

(Distribution: All PT staff and managers.)



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(Distribution: All PT staff and managers.)

From: Toni Feder  
To: ACP.ACPGate("jak@aip.org"), ACP.AIP(BLEVI, BSCHWAR...  
Date: 11/15/96 10:49am  
Subject: Upcoming Retreat -Reply

Hi Steve,

Thanks for the message concerning the retreat. I have two immediate comments.

1. I think it would be good to circulate both the staff's ideas and the advisory committee report before the retreat. This will give us time to think about things and make the best use of our time.

2. I am not sure what purpose the 15-20 minute timed presentations by individuals is supposed to serve. It seems to me that it would be better to focus on issues, rather than on individuals. I would, however, appreciate short presentations by individuals to hear what each person's job consists of. But otherwise, the 15-20 minute idea would seem to both put people on the spot, and possibly take time away from the discussion of issues.

Toni

From: Judy Barker  
To: SBENKA  
Date: 11/15/96 11:41am  
Subject: Upcoming Retreat -Reply

Steve,

I agree with Toni's suggestions for the retreat.

I think some pre- and post-retreat staff discussion would be constructive.

D01391

From: Jean Kumagai <jak@interport.net>  
To: Stephen Benka <sbenka@aip.acp.org>  
Date: 11/15/96 12:27pm  
Subject: Re: Upcoming Retreat

Hi, Steve

Thanks for your message -- I just read it and Toni's response, and I agree with her suggestions. That is, I agree that we should be given the advisory committee's report prior to the meeting, and if any of us has ideas about topics for discussion at the retreat, we should be encouraged to circulate them now, to provide sufficient time for reflection.

I also share Toni's concern about the 15-minute presentations. If the purpose of the retreat is to come up with concrete solutions, then it would be more constructive to create an agenda that includes specific proposals for discussion. Also, I think it's really important that the retreat (and indeed, all of the magazine's interactions) be structured so that anyone who wants to has the opportunity to speak freely, without interruption. A big part of speaking freely, I think, is being allowed to respond to what others are saying, maybe even arguing a bit and generally trying to come to an agreement.

Jean

CC: ACP.AIP (jbarker, wkornber, tfeder, rwehrenb, pelliot, j...

November 15, 1996

MEMO TO: Steve

FROM: Paul

SUBJECT: The November 19-20 retreat

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A productive retreat is not a mega staff meeting, but a wholly different and often difficult-to-achieve enterprise, especially when it's the first retreat for the organization and for almost all of the participants.

As a sometime retreat participant and facilitator, I suggest that you reconsider the format that you sent around this morning, in that I don't think it is likely to work very well--for the following reasons:

- o Work-related retreats are most successful when they provide a well-run, structured, and outcome-oriented forum for democratic problem solving in which the attendees (1) agree at the outset on what the retreat will try to achieve and how it will proceed, and (2) focus on identifying major issues, developing solutions and understandings, and arriving at a consensus about what should be done. Work-related retreats are much less successful when they devote a great deal of time to solo turns and unstructured discussion (as is often used at retreats devoted to personal development and similar areas), which often result in fixation on the problem (rather than the solution), hostility toward management, and turf skirmishes or battles.
- o Although the idea of giving everyone a chance to speak uninterrupted about CICS is well-intentioned, for us it is all too likely to lead to a sanitized repeat of our day spent with the advisory committee.
- o The CICS approach is impractical: With 15 or 16 attendees being given 20 minutes each for their CICS, Wednesday morning will have to be at least five hours long.
- o I've neither attended nor heard of a retreat that featured speeches. Speeches go with conference banquets, not retreats.

Naturally, I think I know best. But you and others may well disagree. So I suggest that, between now and, say, Monday noon, you (1) ask all staff members for their views on the retreat form and format, and (2) distribute whatever you receive, and then, on Monday afternoon, (3) hold a brief meeting aimed at our arriving at a staff consensus on how to proceed.

Staff involvement at the pre-retreat stage is essential, I think.

D01393

It worked well last week in our collectively going through the preparation of an ad for the new editor. I feel strongly that the same basic approach would increase the chances of our having a successful retreat--even if it turns out that most of my colleagues favor the solo CICS format.

Initially, I saw the idea of a retreat as an imposition. I then came to see it as an opportunity. I now see it as an opportunity only if there is staff involvement all the way through--from the planning stage through the all-critical follow-up stage.

I am preparing a memo to you laying out some ideas for an alternative format and approach that focus on using structured group discussion to explore ways of (1) improving the operational process we use to prepare and publish the magazine, (2) improving the job satisfaction of the people engaged in those processes, and (3) improving the content of the magazine. It will also include some proposed ground rules, based on what I have found to be a critical element in getting the most out of a retreat while keeping staff rancor and squabbling to a minimum.

I plan to give you the memo in response to a call for staff input--or simply as an unsolicited proposal.

Two additional suggestions: First, give nonexempt support staff some comp time, if only informally, for attending the retreat. Second, extend the deadline for the January issue by one or two days, so that we are not penalized for participating in the retreat. It's not that we necessarily need the time, but if we do run over, we won't feel that our necks are being breathed on quite so warmly. In both cases, it's a chance for management to give back. . . .

Finally, I remind you in particular that the more the staff is involved in planning the structure and purpose of the retreat with an emphasis on the consensual identification of solutions, the less likely it is that the staff will use the retreat as a vacation from work or as an opportunity to pick on the editor.

From: Stephen Benka  
To: ALL-PT  
Date: 11/15/96 2:38pm  
Subject: Retreat Format

TO: All PT people  
FROM: Steve

My suggested format, circulated earlier, is intended to make the best use of the (effectively) single day that we have. Before we can productively discuss the issues, we need to find out what they are. They are surely not the same for everyone. The format for Wednesday morning is intended to identify the issues, certainly the major ones. There's no intention to put anyone "on the spot." A group discussion may also serve to identify the issues, but I worry that some voices may still not be heard.

So the first goal of the retreat, in my view at least, is to identify the issues that we, as a group, need or want to address. Then we can address these issues and work toward solutions. My hope is that, in the brief time allotted (we still have the collective goal, and responsibility, of getting a magazine out) we will get through the first phase and begin the second one of finding solutions.

I am open to other suggested formats, perhaps even to other suggested goals for the retreat. To make this retreat productive, as Paul suggested to me, we need to have the structure and the goals clearly defined in advance.

Tuesday will be consumed with the December blue lines. There is a News Departments meeting at 2pm on Monday. Let's all get together at 3:30pm on Monday, to agree on goals and structure for the retreat. Until then, I will collect all suggestions and make them available prior to the Monday meeting. You can send your thoughts to the entire group or just to me, as you wish. If you don't want your thoughts circulated, let me know.

Keep those cards and letters coming.

--Steve

From: Paul Elliott (Paul Elliot)  
To: SBENKA  
Date: 11/15/96 2:47pm  
Subject: Retreat Format -Reply

I, for one, am heartened (and brained) by your latest memo. Well done.

Paul

Proposals for discussion at Physics Today retreat

The following proposed agenda items are in the spirit of Steve's invitation to put our concerns "on the table." This list was put together by some of the staff, based on discussions among staff members. The theme of these proposals derives from the main points raised by the Physics Today advisory committee: openness, staff empowerment and editorial efficiency. The proposals address issues that are very important to at least some of the staff, and they are intended to provide a basis for discussion. Each proposal is subject to adoption, modification or rejection during the retreat. PLEASE ADD TO THE LIST.

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(Distribution: All PT staff and managers.)

From: Stephen Benka  
To: ALL-PT  
Date: 11/15/96 5:08pm  
Subject: Advisory Committee report

The PT Advisory Committee report is here. More grist for the mill.  
--Steve

Marc Brodsky, Executive Director & CEO  
John Rigden, Director of Physics Programs  
Charles Harris, Publisher  
Stephen Benka, Associate Editor

Please find attached the final version of the 1996 Report of the Advisory Committee of PHYSICS TODAY. This report is written in the spirit of providing the committee members' best advice to the management of PHYSICS TODAY to further develop and strengthen PHYSICS TODAY as the flagship publication of the AIP.

We are submitting the text of the report by e-mail as well as by regular mail in the hope that it reaches you in time for your planned off-site meeting.

In the name of all committee members, I thank the staff of PHYSICS TODAY for their hospitality during the October 4-5 meeting and their frankness in interactions with us.

With best wishes,  
Horst Stormer

ps: A set of miscellaneous suggestions will be submitted by separate mail.

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PHYSICS TODAY ADVISORY COMMITTEE MEETING (1996)  
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The 1996 Meeting of the PHYSICS TODAY Advisory Committee was held in the American Center of Physics building in College Park, Maryland on October 4-5, 1996. The meeting started at 8:50 a.m. and lasted until approximately 5:00 p.m. on Friday, October 4. On Saturday, October 5, the Committee members met in an executive session and briefed Marc Brodsky, Charles Harris and Stephen Benka on the Committee's recommendations. John Rigden was unable to participate.

The attendees during the Friday session were:

COMMITTEE MEMBERS: Don Anderson, Lawrence Crum, James Deye, Maurice Jacob, Larry Kirkpatrick, Dan Kleppner, Kumar Patel, Horst Stormer (chair) and Virginia Trimble.

PHYSICS TODAY: Stephen Benka, Graham Collins, Paul Elliott, Toni Feder, Charles Harris, Irwin Goodwin, Abby Klar, Richard Kobel, Warren Kornberg, Jean Kumagai, Ray Ladbury, Barbara Levi, Gloria Lubkin, Elliot Plotkin, Jeffrey Schmidt, Bertram Schwarzschild,

AMERICAN INSTITUTE OF PHYSICS: Marc Brodsky

During the October 1996 Meeting the Advisory Committee experimented with a new agenda. Previous meetings were held in plenary-fashion with all staff members and all committee members assembled throughout the Friday session. This year the Committee met sequentially with individuals or small groups of individuals who represented specific departments of the magazine. An original agenda is attached for reference.

The new meeting style was very effective. The Committee was better able to focus on individual sections of the magazine and staff members

could more easily communicate their views. We recommend maintaining this meeting style and extending it in 1997 so as to meet exclusively with individual members of the staff and conclude the first day with a brief plenary meeting.

Since conversations have not been recorded, no minutes are available. In the opinion of the Committee, this lack of a detailed account appears to be far outweighed by the deeper insight gained during individual conversations.

#### REPORT and RECOMMENDATIONS:

At the outset the Committee wants to reemphasize that PHYSICS TODAY fulfills a very important role in the world of Physics.

It is the flagship publication of the AIP and fosters the unity of Physics across disciplinary boundaries. At a time when physics has become so large and diverse, PHYSICS TODAY plays a unique role in providing a common bond to the entire community. It is widely read and most members of AIP's member societies regard PHYSICS TODAY as the prime benefit of their membership dues. PHYSICS TODAY serves its important role well. It must be kept healthy so that it can continue to provide this essential service to the physics community.

As in previous years we congratulate PHYSICS TODAY for the many steps that it has taken towards further improving the magazine. We recognize and appreciate the efforts by PT management and the PT staff to act on many of the Committee's previous recommendations. These responses have been detailed in a memorandum by Marc Brodsky from January 4, 1996.

While we are pleased to see so much progress, we continue to observe several problem areas which,

in our opinion, considerably affect PHYSICS TODAY's effectiveness. They are:

1. The continued ill-defined financial structure of PT.
2. Poor morale among the staff.
3. Poor internal communication.
4. Excessive editing of articles and micro-management of personnel.

We urge PHYSICS TODAY and AIP to seriously consider these problem areas. A highly motivated and enthusiastic staff with good morale and improved communication promises to make PHYSICS TODAY a livelier and more attractive magazine.

1. Financial structure:  
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As in previous years, the financial structure of PT causes great concerns. These concerns are made yet more urgent by the changing financial climate for AIP.

Our immediate concern stems from PT's role as a deficit-producer within AIP. As discussed in last year's report, and in other reports over the years, this structure is inevitably demoralizing to the PT staff. No matter how hard they work, what efficiencies they introduce, or how much new advertising revenue they generate, PT cannot show a profit. Within the present financial structure, the general impression is that PT is not pulling its own weight within AIP and that it remains a financial burden.

We believe this situation is demoralizing to the staff and not a necessary managerial approach to financial management. PT is one of the many activities that AIP carries out for its member societies. The Physics Education program, for example, is not considered a poor relation of AIP: it and the other Physics Programs are vital services that AIP performs for the community and pays for from its various income sources. If AIP were reclassified as one of the Physics Programs, then it would become an activity that generates \$4M/year, rather than being a deficit-generator of \$1M/year. The same goal can be achieved even more simply by providing a realistic annual budget against which PT can be judged, a budget which would allow PT to achieve some financial success. The PT staff should be given some metric, that is not intrinsically negative, to measure themselves

On a matter of even deeper concern, having heard about the changing financial climate for AIP from Marc Brodsky, we believe that long-standing issues related to the \$2/member allocation for PT are likely to come to a head in the next few years. The loss

of translation income combined with the high costs of starting electronic publication, the great uncertainties about continuing costs, and the likely loss of library revenues, are obviously serious problems for AIP. In such a scenario of change, the many services that AIP provides for the member societies, and that they have come to expect, cannot be sustained without alternative sources of revenue. One source, of course, is the member societies themselves: if the services are valuable, they should be willing to pay for them. Without getting into that obviously complicated debate, we point out that the \$2/member allocation for PT is a conspicuous case where AIP is providing a service for individual members almost free, whereas in most other scientific society a much higher cost to the member is simply taken for granted. It is unrealistic to expect this to continue. Unless this problem is dealt with realistically, the consequences for PT a few years from now may be dire.

We urge AIP to finally provide Physics Today with a healthy financial structure and to vigorously address the insufficient financial contributions from the member societies to PHYSICS TODAY at the level of the Governing Board.

2. Poor Morale:  
\*\*\*\*\*

Morale among the PHYSICS TODAY editorial staff is currently very low. There seems to have been a brief "honeymoon period" when the new publisher and editor came on board. However, morale has deteriorated since. Most staff members say they like the work they are doing and believe that PHYSICS TODAY fills an important role, but that discouragement, cynicism and lack of team spirit are widespread. The problem seems less severe in the departments that are largely isolated from the rest of the magazine, but virtually everyone mentioned one or more of the following problems. Low morale is a barrier to increased productivity, and the subject needs to be addressed forcefully, entirely independent of whether the issues mentioned are factually correct or merely perceptions.

- a. Level of support from AIP management -- There is a real mismatch of impressions here. The executive officer believes that he is very supportive of PT, which he describes as the "flagship magazine of AIP". The staff feels that they are undervalued and overcriticized, that their work is not appreciated, and that they are not allowed to make a case for better equipment and more support personnel.
- b. Lack of openness -- Staff believes that they are not kept adequately informed of what is going on or given a fair chance to contribute their ideas and opinions. They are not asking for democracy but would like to be informed, to advise, and to warn. Specific instances that were mentioned included (i) insufficient tracking of information about what is scheduled for upcoming issues and changes made in the schedule (current information should be maintained electronically), (ii) changes

in format, style, and content of the magazine. The committee believes that it would be a positive step for management to inform the staff that formal attention is being devoted to improvement of management skills.

- c. Inequities in salaries -- Staff believes that pay rates in some cases are not proportionate to the kind of work done, the amount of work done, and seniority levels. Some attention should be given to a perceived inequity in part of the salary structure.

### 3. Poor Internal Vertical Communications:

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As noted in last year's Committee Report, it was "felt there are some real or potential communication gaps, both among staff and the outside world". Alarming new evidence of internal communication problems arose in our talks with staff this year; especially with regard to vertical communications. Lateral communications amongst staff, on the other hand, seems to be open to the point that some are even aware of one another's salaries. With this channel so open and the management not aware and involved, one has a situation which breeds misinformation, rumors, and real or perceived grievances. The committee heard comments such as: "a lot of communications are concealed", "AIP management is willing to sacrifice quality for dollars", "there is only criticism from management", "there is significant inequity in editorial salaries", "management doesn't have a full array of skills", and "management is only willing to project a congratulatory image of physics".

We were also made aware of incidents which were indicative of an authoritarian style of management; e.g., hiring personnel without any consultation of those who will be working closely with the individual, changes in meeting schedules on short notice without regard to the impact this may have on those below, and managers taking management skills training without sharing this fact with the staff. In this last case, such sharing would help to alleviate the staff perception that management is lacking in such skills and just does not care. These or similar themes were common enough to indicate a problem which is a large contributor to poor morale and, hence, reduces efficiency of staff. The problem with vertical flow of information even exists at the higher levels where there was evidence that AIP management may not be sending clear and consistent messages to PT management; and hence PT management may not be able to adequately explain these issues to the PT staff. One example of a frustrating AIP communication's issue was the shutdown of PINET which caused a significant waste of time for some PT staff because it was not communicated very effectively. These sorts of problems have resulted in a "we(PT) vs they(AIP)" bunker mentality which can only disrupt communications even further.

Our recommendations concern three distinct communications channels:

- a. AIP to/from PT: There needs to be a consistent set of management goals

established which deal with the issues of PT autonomy, both editorially and financially. Once agreed to, these policies should be communicated to staff and then consistently adhered to. At the very least the goals need to address AIP's long term commitment to PT, the expected quality and purpose of the publication, the openness of AIP management to the concerns of PT staff and its willingness to hear those concerns.

- b. PT managers to/from PT staff: A mechanism should be put into place to build trust and the flow of information. This may entail a greater use of e-mail to communicate (almost real time) the contents memo for upcoming issues and other operations memos in addition to more frequent staff meetings even if held by phone. PT management should empower employees by communicate to them the extent of their authorities and responsibilities, and then step back. Retreats or other team-building exercises may be of value especially if they are moderated by an outsider so that they are not just from the top down.
- c. PT staff: Though communication amongst PT staff seems to be efficient, it could be improved by reducing the need to commiserate over perceived problems or misinformation. Hence, more sharing of productive information could take place. Again, staff should be encouraged to make maximum use of e-mail and share resources such as a common resource file per AIP affiliate and topic on a shared server.

#### 4. Over-editing of Articles and Micro-managing of Personnel

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Editors continue to lack authority over their own pieces. This is a recurring issue that dates back to earlier editorial regimes. When reporting on their work, all editors describe it as having many interesting and stimulating facets. They all seem to be very dedicated to their work. Yet there is an overall feeling that they are individually hard pressed to meet their commitments and several describe the global reporting structure with a mixture of awe and despair. On the other hand the overall editorial strength, with 8 full time editors and altogether 12 people contributing regularly to the editorial material, is adequate. The average number of pages per editor and per month does not appear excessive.

A root cause for much of the feeling of being overworked is to be found in excessive editing and rechecking of articles and reports and micro-management of personnel. Staff members are not always informed about what has happened to articles which they originally commissioned. Articles they have signed off are reedited by another editorial layer and sometimes resubmitted to the author. This appears to be a degrading and inefficient practice. The quality and capabilities of the PT staff is at a level where much of such scrutiny and micro-management could be dispensed with.

Some staff members feel that they are

being pressured to "improve the image of physics" (a phrase from management) at the cost of honest, lively text. This is bad for the editors' sense of importance to the magazine and bad for relationships with authors. It also cuts down productivity. Editors have the skills to bear responsibility for soliciting, writing and editing final copies. If more authority were delegated to them, precision and accuracy should not suffer significantly whereas morale and efficiency would much improve.

We therefore recommend:

- a. Give individual editors more flexibility, freedom and authority, cutting down the number of iterations before the material is deemed fit to print.
- b. Senior editors should not get involved with excessive proofreading. They rather should concentrate on the content of the magazine and the development of policies. Managers and senior editors need to delegate authority to increase efficiency. Improved quality will result from better morale, as much as from rechecking and tighter controls.
- c. Simplify the chain of command. Clear reporting relationships should be established which do not result in a duplication of effort. Thus, if a managing editor position is established, staff should not need to report the same information to both the managing editor and editor.

In closing, the Committee wants to reemphasize its deep appreciation of PHYSICS TODAY's service to the Physics Community and its commitment to the promotion of physics. PHYSICS TODAY remains a first rate magazine. We hope that our critical evaluation of PT's operation will help maintain and improve the health of AIP's most important publication.

Horst Stormer  
Don Anderson  
Lawrence Crum  
James Deye  
Maurice Jacob  
Larry Kirkpatrick  
Dan Kleppner  
Kumar Patel  
Virginia Trimble

-----  
Marc Brodsky, Executive Director & CEO  
John Rigden, Director of Physics Programs  
Charles Harris, Publisher  
Stephen Benka, Associate Editor

Please find attached a set of disconnected, miscellaneous recommendations and requests which resulted from our PT Committee Meeting on Oct. 4-5 '96. While individually important, we want to stress that the Committee's prime concerns rest with a few areas detailed in the main text of the report, submitted by separate mail.

With best wishes

Horst Stormer

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Miscellaneous Recommendations from PT Advisory Committee Meeting (1996)  
\*\*\*\*\*

- a. The Committee's monthly comments on the latest issue of PT should not be circulated among staff. The receiving editor is entrusted to act with discretion when transmitting the spirit of the Committee members' comments to the staff. The Committee would also appreciate feed-back on their comments, when appropriate.
- b. The proposed short feature articles should not form a separate section of the magazine but infiltrate the present feature article section adiabatically.  
Topics for such shorter features could include:  
  
More news of interest to the community, in particular, when new funding sources become available - (what are the rules? how and to whom to apply?)  
Some worldwide reviews in particular when considering international megascience programs bringing in also opinions from outside the U.S.  
Information about the increasing importance of "training through research", with many young physicists now going to industry to do something different. Updates about what is going on under the auspices of other agencies to compensate, for instance, for the weakness of the DOE-NASA dialogue, among others.
- c. Usage of more photographs of people would contribute to the "warmth" of the magazine. If authors don't provide them readily, we suggest editors specifically request what they think is needed.
- d. PHYSICS TODAY's mission, submitted in draft form, needs to be expressed more concisely. The present version is much too long.
- e. Consider hiring a part time professional proofreader and/or copy editor one week per month as issue closes.
- f. Review and improve electronic tools around PHYSICS TODAY.

The use of e-mail seems to be, at best, sporadic.  
Shared folders on a common server could improve information  
flow and effectiveness.

- g. A high quality color printer and a state-of-the-art PC seems to  
be a legitimate request by the art director of a glossy magazine  
with a circulation of 120,000.
- h. Layout and color of graphs and boxes could be further improved.  
They often have a pale and tentative appearance.
- i. The reservoir of students and equipment at the University of Maryland  
could be tapped to improve computer graphics in PHYSICS TODAY.
- j. Editors need to stay in touch with the Physics Community.  
PT should support their participation in appropriate  
physics meeting.
- k. A periodic review of Web-sites that would be of interest to  
physicists should be presented in PT.
- l. Put figure numbers at the beginning of captions, not at the end.

Horst Stormer  
Don Anderson  
Lawrence Crum  
James Deye  
Maurice Jacob  
Larry kirkpatrick  
Dan Kleppner  
Kumar Patel  
Virginia Trimble

-----

Confidential

From: Barbara Levi <bgl@worldnet.att.net>  
To: ACP.AIP(sbenka)  
Date: 11/15/96 6:08pm  
Subject: retreat

Steve:

I was quite upset about the two page list of discussion points I received by fax. I don't look forward to spending a whole day discussing how PT should be run as a democratic organization. Anyway, I vented in the following reply. Please let me know if I will inflame things if I send this out to everyone now? My list of discussion points is very different.

Barbara

Proposed message to all the staff:

In the interests of openness, will the person or persons who distributed the two pages entitled "Proposals for discussion at Physics Today retreat" please identify themselves?

I have several concerns about the items proposed and they stem from my different view of how an organization like ours must operate to run effectively and efficiently. Let me comment on the points proposed:

1. I think we currently have a great staff--just not enough of them! But I can't support this proposal, which seems to suggest that we all be granted tenure. I just never have believed that people can be given such guarantees. The important thing is for an organization to have sufficient procedures in place to guarantee against arbitrary and capricious firings.
2. I agree in openness. Proposed changes should be discussed with staff. I believe "letters to the editor" already are available to the staff? But I don't think the editor has to share any letters he or she receives that are not ones intended for publication...though I trust he or she would voluntarily share the those that are appropriate.
3. I don't see the point of volunteer reporting. I think we're too busy for that. Won't those people on the staff who are most affected by certain decisions be pointing out to the manager when it is not getting done?
4. Regarding editorial judgement, I think we all have to accept and learn from criticism. Maybe I'm a slow learner but I still feel that my stories improve when I listen to others on the staff who read them. I think we all lose a lot when we start to distrust everyone but ourselves. For better or worse, supervisors are responsible for what goes into the magazine or their section of it, and they have to be listened to. In disputes between a writer and a supervisor, the two should work it out between themselves and not involve third parties. Writing isn't a matter of democratic vote.
5. It does not work to distribute work according to staff interest. There are a number of jobs that have to be done that NO ONE wants to do. In a spirit of teamwork, I think our staff has always understood that we each take some small share of these burdens--WHT, New Products, etc. It's not fair to dump them all on some new hire, just because they are not yet on

D01408



*Confidential*

From: Barbara Levi <bgl@worldnet.att.net>  
To: ACP.AIP(sbenka)  
Date: 11/15/96 6:32pm  
Subject: retreat

Steve:

Here are some of the things I would like to discuss. I may add to the list by Monday. If you think it's helpful I can circulate this list to the staff.

Barbara

Proposed discussion questions:

1. Organization of office work. I think there are a lot of jobs that need to be done that are either divided among too many people or not specifically assigned to anyone. I think we need to make a list and be sure that everything is being handled in the most efficient manner.

Consider, for example, the office tasks:

- Opening and distributing mail
- Circulating mail folders and dispersing contents at end
  - IS THERE A BETTER WAY THAN MAIL FOLDERS?
- Attendance records
- Travel vouchers
- Entering book list
- Typing corrections to copy, by department
- Monitoring library subscriptions
- Keeping library in order
- Logging in articles
- " " obituaries
- " " letters to the editor
- Circulating letters, articles, etc. for review

There's a very long list here. We've lost Monica. Judy is assigned part time to Buyers Guide and was promoted to assistant editor, so she doesn't do much clerical work, I understand. Carol is not wholly assigned to PT. Rita is new. I see a big problem here that undercuts our ability to work.

2. Procedures for each department. Obituaries are the worst, of course. Maybe Jean and I can offload our responsibilities for WHT and give that department to Judy. Also, give her meeting previews?

3. Impact of The Industrial Physicist on Physics Today. I know I have a reputation for trying to undercut the new journal but I am really just trying to protect PT turf. Are we paying the salaries of anyone who is doing work for The Industrial Physicist? If so those salaries or fractions thereof should be paid for by The Industrial Physicist. The understanding was that the new magazine would have to support itself. It should not do so at our expense.

4. Covering beats. I am concerned that certain topics drop through the cracks. In the past we have assigned certain Search reporters to follow certain subfields and to peruse the journals in those fields. We've never been very good at implementing the game plan. We need staff people to watch those areas for article ideas as well. Maybe we need a kind of journal club

D01410



[illegible]

From: Barbara Levi <bgl@worldnet.att.net>  
To: ACP.AIP(sbenka)  
Date: 11/15/96 6:54pm

Since my last message I have read the Advisory Committee's report. I wonder if they paid too much attention to a few individuals. Anyway...

I would add to my points number 4 and 5 that each person assigned to a "beat" should find out about and regularly access the relevant bulletin boards and preprint servers. Maybe we need a class in internet access.

B

[illegible]

Barbara G. Levi                      bgl@worldnet.att.net  
Senior Editor                        805 965 3483 (tel)  
Physics Today                        805 963 2574 (fax)

From: gcollins (Graham P. Collins)  
To: i:worldnet.att.net:bgl, i:aip.org:jak, BSCHWARZ, C...  
Date: 11/15/96 9:22pm  
Subject: Re Retreat

I agree with Toni & Jean, and in general with Paul (I've never been involved in a retreat before so I don't really have an opinion on what he said in detail).

There need to be some sort of ground rules for how the discussion proceeds, but fifteen 15-to-20-minute solo speeches of complaint is not going to be a productive use of anyone's time.

Sorry, I don't have any good specific suggestions, but something that promotes free-flowing discussion as envisaged by Jean is what's needed.

On the other hand, as I see it the major goal of the first hour or so (or these pre-retreat e-mails) should be to set a loose agenda of what are the important topics that need to be discussed. That's so that the free-flowing discussion can nevertheless be anchored in some way, instead of going all over the map and never reaching any conclusion. (And I think it's important that after a certain amount of loose discussion on a given general topic that the focus changes from exploring all the issues, etc, to searching for some kind of conclusion [not necessarily an "answer"].) Maybe if a set of topics is each assigned a limit of 60 minutes discussion, the first 30 can be "exploration of the problem/issue" and the last 30 to "what can we do about it?" (And of course none of that need be engraved in stone. Obviously we apply common sense as needed.)

I guess that's one of my suggestions/ideas/complaints (SIC): The way so many meetings or discussions that we have fail to make clear decisions about a course of action. (But that's not a difficult one to solve, assuming there is consensus that it =is= a problem.)

I've used up my quota of mixed metaphors for this week, so that's it for now.

-- Graham

*Confidential*

From: gcollins (Graham P. Collins)  
To: SBENKA, PELLIOT  
Date: 11/15/96 9:30pm  
Subject: comp time

Paul,

I don't understand your suggestion about comp time for support staff. That is, I don't see why there is any need for it.

Charles & Steve,

Are the support staff included? Is Judy included? I had the impression they wouldn't be, although at best I remember it vaguely as being another item where I never heard a clear decisive policy, or maybe I heard different policies at different times.

-- Graham

CC: CHARRIS

D01414

From: Paul Elliott (Paul Elliot)  
To: sbenka  
Date: 11/15/96 9:34pm  
Subject: Suggestions for Alternative Format for Retreat

I've had an attack of the evening slownesses, possibly occasioned by a visit to the Golem Heights, such that I won't have the suggestions for you until Monday morning.

Having just trapped a *Musca domestica* that's been running around my monitor screen and thereby causing typos, I'm leaving; that is, having cooped the fly, I'm flying the coop.

Until Monday,

Paul

**From:** Barbara Levi <bgl@worldnet.att.net>  
**To:** ACP.AIP(sbenka,glubkin,gcollins,charris,clucas,wko...  
**Date:** Sun, Nov 17, 1996 4:14 PM  
**Subject:** discussion topics

Here is my list of topics I'd like to see the staff address.

1. Organization of work. I think there are a lot of jobs that need to be done that are either divided among too many people or not specifically assigned to anyone. I think we need to make a list and be sure that everything is being handled in the most efficient manner and that we know who is handling what. **Part of this should be deciding what new people we need to have to do the jobs that need to be done.**
2. Procedures for each department. We have a very complicated procedure for obituaries, in part because so many people are involved. Maybe other departments are the same. We need to maximize the speed of flow of copy and minimize the errors that stem from the right hand not knowing what the left hand is doing. In some of our copy we might want to minimize the number of people who have to check it.
3. Covering beats. I am concerned that certain topics drop through the cracks. In the past we have assigned certain Search reporters to follow certain subfields and to peruse the journals in those fields. We've never been very good at implementing the game plan. We need ALL editors to watch certain areas for ideas on articles as well as news items (including community news). Maybe we need a kind of journal club each month so that we report the highlights in the fields we are representing. Do we have time for that?
4. Travel. I think we are all very ingrown. We need to be out in the community making contacts. I encourage us to look way ahead and get reporters out to one meeting for each of the AIP member societies each year (maybe every other year would suffice for some of the smaller ones?). It might be best to have the same people go to the same meeting for several years in a row so that they can start to develop contacts.
5. How we do our job. Are we all going about our jobs in the best manner? Do we need more skills? A trivial example might be the inexperience of some of us (count me in this group) with bulletin boards, preprint servers, etc. on the internet from which we might learn better what's going on.

Barbara Levi

[illegible]

Barbara G. Levi  
Senior Editor  
Physics Today

bgl@worldnet.att.net  
805 965 3483 (tel)  
805 963 2574 (fax)

**From:** gcollins (Graham P. Collins)  
**To:** ACP.ACPGate("jak@aip.org"), ACP.AIP(BLEVI, BSCHWAR...  
**Date:** Mon, Nov 18, 1996 12:10 AM  
**Subject:** Job Security -Reply

What is "the anonymous agenda"? What are the other items on it? Is this something in hardcopy that I'll find in my in-box on Tuesday?

-- Graham

>>> Stephen Benka 11/17/96 06:24pm >>>

**TO:** All PT Staff  
**FROM:** Steve Benka  
**SUBJECT:** Job Security

Item number 1 on the anonymous agenda expresses concern about speaking one's mind.

From: gcollins (Graham P. Collins)  
To: ACPGate."jak@aip.org", BLEVI, BSCHWARZ, CHARRIS, C...  
Date: 11/18/96 12:41am  
Subject: Retreat structure

This is my contribution to Monday's 3:30 pm meeting on structure and goals of the retreat:

I'm assuming that the Monday afternoon meeting will not set the agenda and schedule for the entire retreat. I don't intend to participate in the Monday meeting by phone so if no-one else wants to champion any aspect of the ideas set out here they can be ignored.

First hour of retreat: Free-flowing discussion with the purpose of listing all the topics that are of concern to people. If one hour is not enough for this, extend it by a further 30 minutes (after a brief break).

Next: 15 to 30 minutes selecting which topics will be addressed during the rest of the day. It might be possible to do this by consensus. If that seems unlikely, do it by ballot.

Much of the rest of the day: sessions limited to one hour each, focussing on a specific topic selected earlier. The first 30 minutes of each session is "freer" and is to explore the topic. The last 30 minutes should be more directed to trying to arrive at a conclusion/strategy/solution. Or to put it another way, the first half is to toss a collection of ideas and comments onto the table, the second half is to pull together something more coherent and to try to make some decisions.

Obviously we can move to the second half of a session earlier than 30 minutes if the "exploration" stage seems exhausted sooner. And the total 1-hour session can be concluded sooner if a consensus about a conclusion/strategy/solution is reached before the hour is up.

If it seems particularly worthwhile for reaching a better conclusion, an additional 15 minutes can be added, but this must be weighed against the loss of time available for later topics.

The list of topics discussed in this way gets cut off early enough to ensure that there can be a break followed by a final 1 hour session. That session is to discuss the retreat itself. e.g. Would it be valuable to hold another in x months' time? What was wrong or right with the format? etc.

From: Warren Kornberg  
To: SBENKA  
Date: 11/18/96 11:00am  
Subject: Retreat Format -Reply

Steve:

I will come out Monday for the 3:30 pm meeting, but I'm not sure I have anything constructive to offer. You know that my notion of a magazine's structure is far more hierarchical than yours or Charles's and I don't have much confidence in this kind of consensus-building. Nonetheless, I realize that it is important enough not to isolate myself from it. I will be working at home on Tuesday, however, and would appreciate it if the any blueines I need to look at could be brought out to the retreat. I'll use non-retreat time to go over them.\

Warren

D01419

# Proposed Agenda Items for Retreat

(a)

## Improving Operational Processes

- We begin by describing the existing processes (that is, how we decide on and obtain content in the form of feature articles, other outside contributions, and staff-written materials, and

- how all those words are all shepherded into print). The emphasis should be on the activities, not the people who perform them.
- Identify and discuss the strengths and weaknesses of the present arrangement (that is, of the activities--not people and their jobs).
- Identify and discuss options for improving the arrangement.
- Each participant describes what he or she currently does and then describes what he or she would like to do--and how that differs from present responsibilities.
- Discussion of options for staff members (including managers) to trade responsibilities--also taking into account proposed new hires.

## (b) Improving Job Satisfaction

- Discussion of what contributes to job satisfaction and what does not in terms of what happens within PT. Begin by identifying topics in both categories; then discuss them.
- Discussion of AIP-wide factors that bear on job satisfaction.
- Discussion of options for implementing specific actions likely to improve job satisfaction, in terms of both PT-only and AIP-wide factors.

## (c) Improving Magazine Content

- Discussion of magazine's strengths and weaknesses in terms of what subjects are covered, how fully they are covered, how fairly they are covered, how timely they are covered.
- Discussion of options for improvement in content.

## (d) Coming to Closure

- Using options identified <sup>above</sup> ~~in previous sessions~~ for the three major categories (improving operational processes, improving job satisfaction, and improving magazine content), reach consensus on (i) changes to be made immediately, (ii) changes to be implemented in the future, (iii), changes to be further researched and discussed, and (iv) changes not to be made now or in the near future.
- Discussion of how and when changes will be implemented. Make a written record all of our decisions.

D01420

Paul

## Retreat Ground Rules (Draft)

- o We will work together constructively and amicably to achieve our agree-upon purposes.

- o In discussing problems and solutions, we will assume that PT's management/staff resources will consist of all of us minus Ray and plus one editor and one support person to be brought on board as quickly as possible.

- o We will refrain from engaging in personal attacks of any kind and will treat each other with respect.

- o All of us will have an opportunity to speak on any subject relevant to the retreat.

- o Participation in the retreat, or any aspect of it, is voluntary and noncoercive, and all of us have the option of not talking about any particular subject while at the retreat.

- o In striving for consensus on specific issues, we may agree to defer making certain decisions and we may also agree to try certain solutions on a temporary basis.

*Confidential*

November 18, 1996

MEMO TO: Steve  
FROM: Paul  
SUBJECT: The November 19-20 retreat

---

I suggest that today's meeting be used to

1. Discuss and agree upon the basic schedule for the Tuesday evening portion of the retreat, with everyone having a clear understanding of what will happen.

I recommend that the overall purpose of the evening should be simply to enable us to get settled in at Belmont and to get together there for a relaxed and leisurely dinner, with only casual discussion of any retreat business.

**Issues to be discussed today about Tuesday include**

- (a) What time (or during what time span) we should aim to reach Belmont
- (b) How long will it take to get there from, say, AIP
- (c) Car pooling arrangements, possibilities.
- (d) What time dinner is set for (and availability of stimulating beverages, for those interested in that aspect of our stay).
- (e) Anything else proposed for the evening.

2. Discuss and agree upon the basic schedule for the Wednesday portion of the retreat, with everyone having a clear understanding of what will happen.

**Issues to be discussed today about Wednesday include**

(a) The overall schedule: what time we'll start on Wednesday morning, what time we'll take a mid-morning break, lunch arrangements, and what time we conclude the retreat.

(b) Retreat setting: kind of room available (I strongly recommend a conversation pit if available; also, it would probably help to have chalkboard or easel plus oversize pad available)?

(c) Basic retreat format: discussion sessions, with each session focusing on a particular topic? If so, how many, and of what duration? Also use breakout sessions to tackle specific topics and report back to group?

D01422

(d) Use of facilitator or moderator: use to lead/guide discussion or simply to serve as timekeeper and summarizer? None of the above?

(e) Discussion topics: Identify them, and prioritize them? Make prioritization of them the first issue dealt with on Wednesday morning?

(f) Ground rules: Review draft rules attached, modify them as needed, and agree on a final form? Do so on Wednesday morning?

(g) Develop tentative agenda for Wednesday.

(h) Agree that agenda may be modified during the course of the retreat as agreed upon by the participants.

Steve:

Once we get to the retreat I hope we will no longer refer to the documents we each prepared to help formulate the agenda. For one, I do not think we should be steered by an agenda written by an anonymous group which, despite your reassurances, has still not identified its members.

Barbara

[illegible]

CC: ACP.AIP (pelliot)

INTER-OFFICE MEMORANDUM

To: PT editors and support staff  
From: Charles Harris  
Subject: Belmont Retreat  
Date: 11 November 1996

Our retreat at Belmont has been scheduled for 19-20 November 1996. Attached you will find directions to the location in Elkridge, Maryland. We will be arriving at Belmont around 5:00 p.m. on Tuesday, 19 November and departing on Wednesday, 20 November around 3:00 p.m. Dinner arrangements have been made for the evening of 19 November.

Please notify Carol Lucas if you require any special arrangements. The menu has been chosen to accomodate everyone, including those who are vegetarian.

If you have any questions, please let Carol know.

Hanson House (Manor)

Ch

P.S. Transportation arrangements can  
be made for anyone without a vehicle.

dinner 6:30 ? 6:00

coffee 7:30

breakfast 8:00

lunch 12-12:30

break 10:00

break 1:30

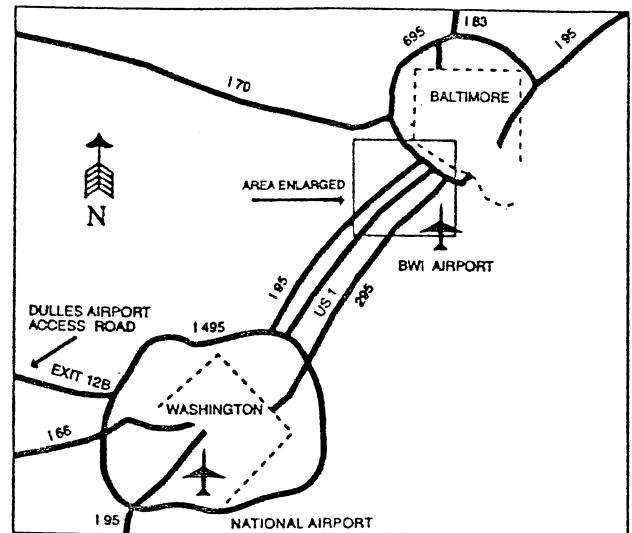
# Directions to Belmont

## From Baltimore:

South on U.S. 195  
Take Exit 47A (Route 195 East),  
which bears to left  
Take Exit 3 for Elkridge  
Right on Route 1 South to  
Montgomery Road  
Right on Montgomery Road to  
Elibank Drive  
Right on Elibank Drive  
Take first left onto Belmont  
Woods Road  
Follow signs to Manor House  
Registration area or Stable  
Parking

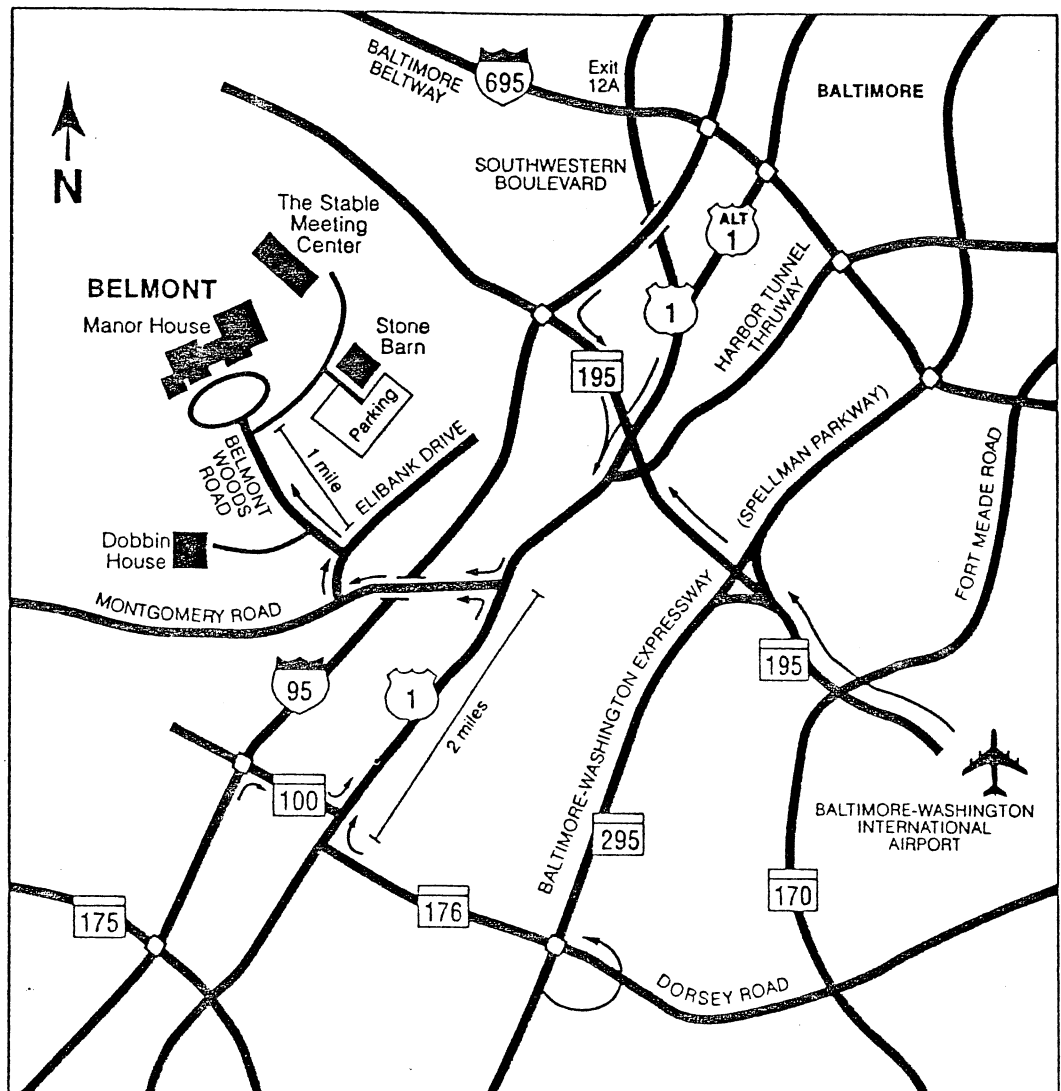
## From Washington:

North on U.S. 195 to Route 100  
Exit 43 (marked Glen Burnie)  
follow to U.S. Route 1  
Left on Route 1 (North) to  
Montgomery Road (2 miles)  
Left on Montgomery Road to  
Elibank Drive  
Right on Elibank Drive  
Take first left onto Belmont  
Woods Road  
Follow signs to Manor House  
Registration area or Stable  
Parking



## From BWI:

Follow exit signs toward  
Route 195  
Take Route 1 South Exit  
toward Elkridge  
Right on Montgomery  
Road to Elibank Drive  
Right on Elibank Drive  
Take first left onto  
Belmont Woods Road  
Follow signs to Manor  
House Registration  
area or Stable Parking



Belmont Manor House  
6555 Belmont Woods Road  
Elkridge, Maryland 21227  
(410) 796-4300  
(410) 796-4565 (fax)

WK. 2 full-time support  
+ Managing Editor  
+ Asst. to Editor

CH 2 support people (incl. part-time for Irwin)  
+ part-time / intern / freelance / Buyers Guide

3

Bi-Weekly Q & A  
Monthly Mtg after closing  
Volunteer Reporting  
Internet

1. Communicate w/ AIP via CH, SB
2. Confidence in staff
3. Further discuss
4. Letters available

11/18/96 3:30-5pm

ff: Agenda of Proposals - probe, analyze

Barbara's Agenda

Discuss what's important to us

Organization of Staff and copy flow

~~Goal:~~

Goal: Jeff, Where the staff stands on proposals

Jean, Recommendations on proposals

Warren, Clarification of Editor's roles, Copy flow organized

Carol, Clear-cut procedures, chain of command

Warren, Decision-Making Process

Graham, Make progress on issues

Spend an hour discussing problems

Communications

Rita, Job clarification

## Agendas

- Jeff: Start with 10 proposals
- Erwin: Hear from Charles & Steve about PT and its direction  
Improve PT visually. The Magazine comes first. Be ahead of our readers
- Warren: Structure of the operation. Why PT? for whom?  
~~How~~ is done? Does the staff know?
- Bert: Concerns are individual and specific. Manpower <sup>going to</sup> for int'ps.
- Gloria: Focus on communication
- Jean: Start with 10 proposals, at least use it.
- Rita: Establish procedures for support staff  
Stronger definition of job
- Toni: 10 specific proposals. job descriptions. copy flow  
info. accessible
- Paul: agree with Toni. Focus with improving magazine in  
ways compatible with staff satisfaction.
- Barbara: horiz. communica - depts.  
vert. communi - openness  
problem resolution - authority vs. creativity  
org. procedures  
jobs; what they are, who's doing them  
solis. articles  
mag. content  
mag. style.

Jobs, Communications, Procedures  
Future of Magazine

## Big 10

- 1) Job Security
- 2) Openness - Staff wants info.
- 3) Volunteer Reporters - Staff wants info
- 4) Problem Resolution - Staff wants control of their copy
- 5) Work distribution - Current staff wants the cream
- 6) PT Mgmt as advocates - staff wants to be wanted
- 7) Staff Participation in hiring - involvement in magazine
- 8) Affirmative Action
- 9) Staff to get outlines - involvement in content
- ✓ 10) Simplify Schedules

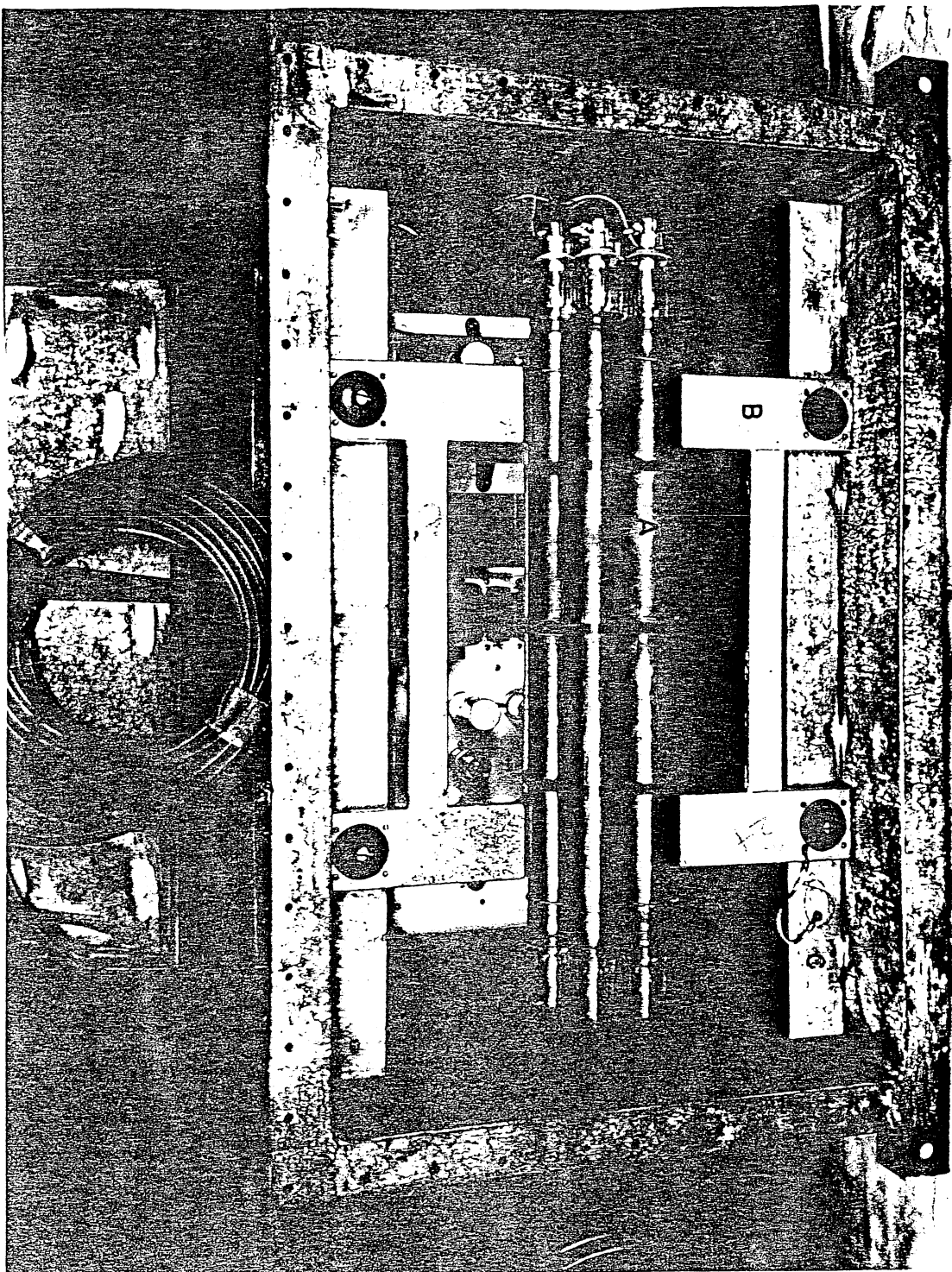
Paul

- 1) Improve Operational Processes
- 2) Improve Job Satisfaction
- 3) Improve Magazine Content

Barbara

- 1) Organization of work - What jobs need to be done? Are they? by whom?
- 2) Procedures for Dept's. - Copy Flow
- 3) Covering Beats - Magazine Content
- 4) Travel - Broaden our horizons / contacts - Future of PT
- 5) Job efficiency - Get training?

Graham  
1) Make Progress



30 pira

PHYSICS TODAY

11/96  
ISSUE

30x: 51x  
D01431

# AGENDA

## Wednesday Morning - 1<sup>st</sup> Session

"Easy" Specific Proposals from Anonymous Cadre: 1\*, 2a, 2c, 6, 8, 10\*

Agree to defer discussions of PT Content; not a major concern just now

Discuss Communications: "Essential" & "Non-Essential" Information  
Both giving and getting

Propose brief Q & A Staff Mtgs - weekly

## Wednesday Morning - 2<sup>nd</sup> Session + Afternoon

Operations / Procedures

42

**RAINWATER COLLECTION**  
system. Rain washes large amounts of radioactive fallout from the air, so collecting the water also collects isotopes. This 500-gallon system used a 1000-square-foot roof of corrugated aluminum to send rainwater into one of three storage tanks. **FIGURE 2**

and "RDS-1" in the USSR—exploded on 29 August. We picked up positive readings on our air monitor at NRL on 10 September and sampled the next rain on 13 September. At Kodiak, the sensitive gamma-ray detector gave a strong signal during the rainfall-dependent periods 6–12 and 13–17 September. Rain samples there were collected, flocced and the floc shipped to NRL by special aircraft flights. The Air Force also sent us some filter paper, from a scoop on a B-29 flying from Japan to Alaska, and requested that NRL analyze it for fission products. The counting rate was only a few counts per minute, which wasn't worth diverting our chemists from analysis of the very hot samples that they were working with. Our results were quickly reported on 22 September 1949, in Top Secret Restricted Data NRL Report 3536, "Collection and Identification of Fission Products of Foreign Origin" by P. King and H. Friedman. To quote from the abstract:

Positive radioactive evidence of a recent explosion of an A-bomb has been accumulated by NRL fission product detection stations at Kodiak, Alaska and in Washington, DC during the period from 9 September to 20 September. The date of fission, deduced from activity ratios of fission isotopes, is probably not earlier than 24 August. Extremely hot samples extracted from the fallout of fission products at Kodiak have yielded tens of thousands of counts per minute of the major fission product isotopes.

The day after our report, 23 September 1949, President Truman announced the Soviet test.

The hot samples from Kodiak suggested that measurable amounts of Pu-239 could be separated. Chemist Richard Baus, working with Lockhart, separated out a plutonium fraction with about 10 alpha counts per minute. That sample was given to Maurice Shapiro of NRL's Cosmic Ray Laboratory, where a highly developed capability was available for measuring particle tracks in thick photographic emulsion stacks. Shapiro determined that the lengths of alpha particle tracks from the Joe-1 sample were consistent with plutonium.

The identification of Joe-1 as a plutonium bomb im-

mediately became one of the most closely guarded secrets of the surveillance program. A related anecdote is of interest:

In October 1949, NRL hosted a symposium on Geiger counters, one of a series of "Radiac" discussions initiated by the instruments branch of the AEC. It is safe to assume that none of the participants, other than the members of the NRL bomb-detection team and one physicist from Tracerlab, knew anything about Joe-1. On the evening of 28 October, at a hotel banquet to celebrate the symposium, the guest of honor and dinner speaker was AEC Commissioner Sumner Pike. In the most casual way, he spilled our knowledge that Joe-1 was a plutonium bomb. Incidentally, in spite of the public circumstances, the presence of press representatives, and even the presence of Willard Libby—who was intent on perfecting low-energy beta counters for his work on radiocarbon dating—the story did not leak. Apparently, Pike's offhand remark failed to register with the "outsiders," although those of us "in the know" had our hearts in our throats. The evidence that Joe-1 was a plutonium bomb remained classified Top Secret for more than a dozen years.

## Aftermath

NRL maintained Rainbarrel stations through the Soviet tests of Joe-2, Joe-3 and Joe-4, as well as many US tests in the Pacific and in Nevada. Before we decided to phase out the operation, we tested it to the limit of practicality—with a surface of 10 000 square feet, almost 1/4 acre, with several 1000-gallon collecting tanks to which different portions of the rain showers could be diverted. (See figure 2.) Apart from the bomb detections, much atmospheric science was accomplished up to and through the period of the International Geophysical Year (1957–58).

*Note: A complete, unclassified account of the Air Force/Tracerlab story of the detection of Joe-1 is contained in the book *Spying Without Spies* by Charles A. Ziegler and David Jacobson (Praeger Press, 1995). See the article by German Goncharov, beginning on page 44, for an engaging account of Soviet activities leading up to and following Joe-1.* ■

## Session 1

### Specific Proposals (Easy Ones)

Anon. 1 done

Anon. 2c Letters

(Anon 2a "Done")

Anon. 6

Anon. 8

Anon. 10 done

## Session 2

### Communications

Anon. 2b

Anon 3

## Session 3

### Operations/Procedures

Anon. 4

Anon. 5 Work distribution

Anon. 7 hiring

Anon. 9

Paul

Barbara

Warren

Irwin

Carol

Rita

### PT Content

Paul

Barbara

Warren

Irwin

### Validation

Anon. 1, 17, 22,  
4,  
6



35 picos

54x  
30x  
35x

D01435

## AGENDA — Preliminary (prepared by Steve)

### Tuesday:

4pm, leave ACP to arrive at retreat by 5pm  
5pm, this preliminary agenda distributed for comment, possible change  
6pm, dinner  
After dinner, Charles, Steve talk about the magazine, vision

### Wednesday:

7:30am, coffee  
8:00am, breakfast  
8:30am, 1st session  
10:00am, break  
10:30am, 2nd session  
  
Noon, lunch  
  
12:30pm, 3rd session  
1:30pm, break  
2:00–??pm, 4th session

## PROPOSED SESSION CONTENT

(Proposed: That we defer discussion of improving editorial content)

1st session: 8:30–9:00, Anonymous proposals 1, 2a, 2c, 6, 7, 8, 10. The "easy"(?) ones.  
9:00–9:30, Explore inhouse communications (includes anonymous 2b)  
9:30–10:00, Strategy to improve inhouse communications (includes anonymous 3)

2nd session: 10:30–11:15, Magazine infrastructure—support staff. Discuss magazine's needed tasks, current tasks, and new hires. We all have a stake in this.  
11:15–12:00, Magazine infrastructure—support functions procedures. Do we know how to get things done? Can it be improved?

3rd session: 12:30–1:30, Editorial operations. 30 minutes of exploration, 30 minutes to reach conclusions / strategies / solutions.

4th session: 2:00–3:00, Closure. What will we do immediately? Gradually? Eventually? How? Do we have another retreat? If so, when?

## AGENDA — Preliminary (prepared by Steve)

### Tuesday:

4pm, leave ACP to arrive at retreat by 5pm  
5pm, this preliminary agenda distributed for comment, possible change  
6 or 6:30pm (Carol wasn't sure), dinner  
After dinner, Charles, Steve talk about the magazine, vision

### Wednesday:

7:30am, coffee  
8:00am, breakfast  
8:30am, 1st session  
10:00am, break  
10:30am, 2nd session

Noon, lunch

12:30pm, 3rd session  
1:30pm, break  
2:00-??pm, 4th session

## PROPOSED SESSION CONTENT

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conclusions / strategies / solutions.

4th session: 2:00-3:00, Closure. What will we do immediately? Gradually? Eventually? How?  
Do we ~~do this again~~? When?  
*have another retreat? If so,*

Masthead - titles?

"Board of Editors" Model?

- do all have input in each dept?
  - Recognize expertise of individuals
  - not "he tells me", but discussion
  - collective involvement should recognize this
- ~~top~~

Letters to Editor - keep in binder - where?  
reviews?

Paul to create a mechanism. - Involve support staff?

Articles knowledge and flow - need good mechanism

Advocacy of Mgt/Staff

Delegation of Authority to Staff (Responsibility)

Affirmative Action - check w/ H.R.  
AFB Committee on minorities

Schedule - ruthless? take what you get.

if particular story desired, relax schedule?  
NOT BOTH

have material in the bank

**From:** Charles Harris  
**To:** SBENKA  
**Date:** Thu, Jan 9, 1997 3:20 PM  
**Subject:** More retreat thoughts (public) -Reply

i like it, i like it. right after we close.

D01439

From: Paul Elliott (Paul Elliot)  
To: sbenka  
Date: 11/21/96 1:31pm  
Subject: Retreat: Followup

Steve,

I suggest that you invite all the retreat participants (including yourself) to send you (by e-mail) a brief assessment of the event.

Ask us to comment briefly on the process and the outcomes.

Ask us to indicate briefly whether we'd like our assessments distributed to all at PT or held in confidence by you (and Charles).

Offer to compile whatever you have received for distribution by [pick a date but before the next meeting], and then send it around.

Ground rules: (1) keep it brief, and (2) identify issues of concern if necessary, but don't argue or reargue them in the assessment.

Paul

**From:** Stephen Benka  
**To:** ALL-PT  
**Date:** Fri, Nov 22, 1996 8:17 AM  
**Subject:** Retreat thoughts

To everyone in PT,

I would like you to help me assess the retreat. Was it worthwhile? What about the process? The outcomes?

I invite brief comments, via email. If you have concerns, please identify them but don't argue or reargue them now. Just let me know.

Please tell me if your comments are "public," for distribution to everyone in PT, or if they are "private," confidential for Charles and me. I will distribute all public comments (including my own) in a single email message next week.

Also next week, on Tuesday at 11:30am (to ensure brevity), will be the first biweekly Q&A staff meeting. I will do my best to answer your questions, or have answers by the next such meeting. If you have questions but can't participate, try to have someone else ask for you.

Thank you all,  
Steve

D01441

**From:** Elliot Plotkin  
**To:** SBENKA  
**Date:** Thu, Nov 21, 1996 6:26 AM  
**Subject:** Retreat thoughts -Reply

Steve, here are my thoughts on the retreat (for public consumption):

It was a completely worthwhile exercise, whether anything concrete was decided or not. Just having the whole staff in one place at one time speaking freely can only do good.  
Ells

**From:** Carol Lucas  
**To:** SBENKA  
**Date:** Fri, Nov 22, 1996 8:23 AM  
**Subject:** Retreat thoughts -Reply

As always, my thoughts are public. I wear them on my sleeve. Although I missed the closing of the retreat and do not know what decisions were finally made, I felt that the retreat would have been much more of a success with an outside facilitator who could direct attention to the underlying problems rather than dealing with the obvious. It did not seem much different to me than a staff meeting.

Carol

D01443

D01444

**From:** Charles Harris  
**To:** SBENKA  
**Date:** Fri, Nov 22, 1996 4:21 PM  
**Subject:** Retreat thoughts -Reply

"Was it worthwhile?" -- yes  
" What about the process?" -- excellent  
"The outcomes?" -- good start  
public

**From:** Stephen Benka  
**To:** ALL-PT  
**Date:** Wed, Dec 4, 1996 10:10 AM  
**Subject:** Retreat thoughts (public)

Here are the public reactions to our recent retreat. I will happily disseminate any others that come in. Once again, I deeply appreciate everyone's participation in the retreat. --Steve

[From Elliot:]

Steve, here are my thoughts on the retreat (for public consumption):

It was a completely worthwhile exercise, whether anything concrete was decided or not. Just having the whole staff in one place at one time speaking freely can only do good.  
Ells

[From Carol:]

As always, my thoughts are public. I wear them on my sleeve. Although I missed the closing of the retreat and do not know what decisions were finally made, I felt that the retreat would have been much more of a success with an outside facilitator who could direct attention to the underlying problems rather than dealing with the obvious. It did not seem much different to me than a staff meeting.

Carol

[From Charles:]

"Was it worthwhile?" -- yes

"What about the process?" -- excellent

"The outcomes?" -- good start

public

[From Steve:]

I found it very useful and productive, even though it differed from my original expectations. I think the inroads we made to freely and safely speaking our minds were the biggest success. I hope everyone believes that it carries over to our workaday world.

**From:** Graham Collins  
**To:** SBENKA  
**Date:** Thu, Dec 19, 1996 1:18 PM  
**Subject:** Retreat thoughts (public) -Reply

Retreat thoughts, public:

12/19/96

Like Elliot & Charles, I think the retreat was very worthwhile, for much the same reasons that they give. We do need to carry the task onward, however. The biweekly Editor's Q&A is a good start. I seem to recall Charles suggesting a regular (monthly? bimonthly?) meeting to carry on the work of the retreat. Perhaps we should look at all the agenda items that we didn't get to and select a few for tackling at such meetings. A reasonable goal would be discussion of one item per meeting.

-- Graham

D01447

**From:** Stephen Benka  
**To:** ALL-PT  
**Date:** Mon, Dec 23, 1996 9:55 AM  
**Subject:** More retreat thoughts (public)

From Graham:  
Retreat thoughts, public:

12/19/96

Like Elliot & Charles, I think the retreat was very worthwhile, for much the same reasons that they give. We do need to carry the task onward, however. The biweekly Editor's Q&A is a good start. I seem to recall Charles suggesting a regular (monthly? bimonthly?) meeting to carry on the work of the retreat. Perhaps we should look at all the agenda items that we didn't get to and select a few for tackling at such meetings. A reasonable goal would be discussion of one item per meeting.

-- Graham



3/12/93 - MHB w/ CH, GB, JS & TCB (via telephone)  
Met Jeff Schmidt

GB: 1. AA is important to PT

- Assumption is it's American

- Was high on agenda @ 1st Retreat ~ Nov 18, 1996

(high priority) } On Nov 26, ad sent to <sup>APG</sup> (Common Migration, MIT) Society  
of Hispanic Physicists

PT staff informed of above

⇒ Wide net cast for applicants (also ran <sup>standard</sup> elsewhere)

2. Generated 85 applicants → 77

At that point, <sup>GB</sup> searched for best candidate from pool.

GB may 1st cut (all resumes attributable to all resumes)

↳ down to 33 (28 good + 3 must interview) + 44 unlikely

3. GB looked at everyone's report & ranked 1 to 25.

~~Went to~~ Called on phone ~ 10-11 top.

Interviewed on telephone: still interested, etc?

(wide mix of people), some unavailable.

Sorted down to 5 possibilities.

Gave them an editing test. (AP/PT consistently have used <sup>this</sup> test)

Content errors caught, improvements in grammar, etc.

Then all of PT staff gathered & look at returned tests (unidentified)

Jeff & Jean refused to pass judgement on the blind test.

Not all 5 were white males.

Staff discussed, mixed views: 25 took, 3 left (interviewed out  
to 6 white males)

One late applicant, not looked at: ~~Michael~~ Varilley.

D01449

3/12/18

-2-

4. Interview 3 & selected Charles Day  
(Note: Charles Day is superb performer.)

He subsequently cultivated female & minority candidates  
who did not qualify this round.

The ~~att~~ seems like a possibility (Marta Day)  
Will consider in future.

---

D01450

3/12/98

- 3-

YHB notes on feedback response to Jeff Schmidt

1. Reviewed process

2. Process was sound & fair -- <sup>job requirements defined</sup> ~~can't~~ under net, reasonable sorting & grading.  
Do it [except that your (Schmidt) refusal to judge] blind writing test  
Gay [Participant is ~~referred~~ blind tests is. (useful to some)] ~~signing~~ ~~librarian~~

3. Reviewed Substanc

4. ~~Did not find~~ Van Names you mentioned  
with ~~all rejected for reasons~~ not selected  
for reasonable reasons.

5. GB & CH believe in AA - I am convinced  
- Not giving "pts" to minorities is not "zero value"  
- Casting under net is no value.

D01451

MHS Notes for Meeting w/ Jeff G. 3/20/98

I am responding to your concerns about AA & T, especially the RT edition

1. I reviewed the Process

that I found process is fairly sound & fair, esp for editor & RT

- job requirements are defined
- we cast a wide net
- offering edit - does reasonable sorting & grading
- final writing test is given
- etc

2. I review & examine

I found ~~process~~ worked well & did not work against  
potentially underrepresented candidates

The names you mentioned were not selected for  
for reasonable reasons.

3. GB & CH believe in AA - Fair treatment

- not giving "pts" to minorities is not "zero value"
- cast wide net is a value

3/20/98 Jeff G. Thought it would be useful to have a statement  
on the value of diversity. MHS will consider

Training statement is explanation for why not?

D01452

11/5/97 Jeff Schmid

Jeff gave Mites a memo dated 5 Nov 97

~~Jeff~~ <sup>Test</sup> said affirmative action is only fair as the list "because CH said we're doing everything right."

Editing test used to exclude, rather than add info. } Been used well for many years. (Chris)  
→ Test was not validated } Validated in sense that people have generally succeeded.

Claims diversity (of staff) is of no value.

Interviewing opportunities "not worth delay of one week"

Says CH doesn't believe in AA.

1. Didn't take extra step to interview
2. Not valuing diversity per se, assigned value of zero.

Contacted selection of minority-related orgs as listed by G/ith out only

- Good, done only with orgs of G/iff/Henry's request

- Could have contacted more

Inefficiently in attitude, had to be pushed along

Gave me 3 names: Kamala Dherman

Marta Bick

Miriam Novitsky - (Recommended by Miriam)

Also 2 other applications

Mitt / not

Angari

⇒ MAB will get back to Jeff

D01453

10/24/97 Jeff Schmidt called Ann Barry

Was a big issue at NT a few months ago.  
duty hour, process

Q What did we do wrong?

A. We got in 85 applications & ended up  
interviewing only white males.  
We could have done more.

there

Some felt there was some applications that  
were worth interviewing.

Barbara phoned some women minorities.

MHB: Asked Jeff to bring info & names about  
qualified applications not selected for  
interview.

~~MW~~

M4: M44 w/ JF, TC13  
CH, 913

Subj: PT Hardy Practices: Respond to Concerns

Schedule 45 min

**From:** Jean Kumagai <jak@interport.net>  
**To:** ACP.AIP(jbarker,wkornber,tfeder,sbenka,rwehrenb,pe...  
**Date:** 27 Nov 1996 (Wed) 17:57  
**Subject:** affirmative action update

Affirmative action update

Here is what we know about the status of Physics Today's affirmative action efforts related to filling the open editorial position.

Steve has sent the ad...

...to Arlene Modeste of the APS Committee on Minorities, who agreed to distribute it appropriately.

...to Sekazi Mtingwa of the National Society of Black Physicists, who agreed to distribute it appropriately.

...to David Ernst of the National Society of Hispanic Physicists, with a message asking for assistance with distribution.

Charles says he plans to talk to Terri Braun to clarify AIP's affirmative action policy.

-- Jean  
-- Jeff

5 November 1997

Marc,

Thank you for asking me to meet with you today about my statement to the Physics Today advisory committee that the magazine has failed to live up fully to its claim that it is an affirmative-action employer.

I am taking this opportunity to outline the history of the issue at the magazine and to discuss the important difference between equal opportunity and affirmative action.

At a November 1996 Physics Today meeting, some of us on the staff raised the issue of affirmative action and the lack of diversity at the magazine. Several weeks earlier, one of the Physics Today editors had submitted his resignation, thus presenting us with an immediate opportunity to work toward correcting the problem. At the meeting, I said I would help monitor the situation in the future, as did Jean Kumagai, who is the only minority among the 18 individuals who work at Physics Today.

On 14 April 1997 the Physics Today staff learned that out of the 85 applicants for the editorial opening at the magazine, three had been selected to come in for interviews -- all white males. Among the 85 applicants were a number of potentially qualified minorities and women. Jean and I argued that if Physics Today were truly committed to affirmative action, it would also bring in some of these applicants. That could have been done easily, but Charles Harris and Steve Benka refused, saying that it was not worth the delay of a week or so that it would cause. We felt that this revealed Physics Today's priorities (and AIP's, too, because Charles had told us that he had discussed the institute's affirmative action policy with Terri Braun after the November 1996 staff meeting), and that affirmative action clearly was low on the list.

The decisive factor turned out to be that while Charles believes in equal opportunity, he does not believe fully in affirmative action. He told me, for example, that he would not hire a minority who is qualified to do the job unless that individual was more qualified than all 84 of the other candidates. Such a policy can lead to an all-white staff even though many minorities are qualified to do the work. For reasons outside of our immediate control, qualified minorities are less likely to have credentials beyond those needed to do the work. Thus, the qualified minorities are passed over in favor of white applicants who have such superfluous credentials. The result is a staff that doesn't look like the population of people who are qualified to do the work. Thus the Physics Today staff does not look like the physics community, the journalism community, the Washington community or the nation as a whole. As long as Physics Today fails to embrace affirmative action, minorities will continue to be in the subset of applicants

D01457

deemed qualified to do the job, but rarely among those actually hired. Thus "equal opportunity" amounts to a de facto "whites only" hiring policy at Physics Today. Historically, affirmative action was instituted to overcome this shortcoming of equal opportunity.

Charles also told me that staff diversity is of no value to the magazine -- except to make the office a more interesting place to work. Therefore the fact that a particular job candidate would contribute to the diversity of the staff counts for nothing, he said.

My own concern about affirmative action at Physics Today was heightened when AIP and the magazine relocated from New York City to College Park four years ago. To fill the editorial openings created by the move, the magazine hired three individuals, all white males -- Ray Ladbury, Denis Cioffi and Steve Benka. None of the three had any journalism experience, but the magazine was willing to train them. (One could view this as an affirmative action program for white males.) If the magazine is willing to hire and train potentially qualified whites, then why not do that for minorities, too?

The managers at Physics Today made two token gestures in response to the pressure that we applied: They told a few organizations of minority scientists about the job opening, and, after they filled the position with a white male, they phoned a few of the minorities whom they had judged to be "promising candidates."

Ever since my disagreement with Charles over affirmative action at Physics Today, he has treated me a little bit like an unwelcome troublemaker. You should be able to verify any point that I have made in this note without attributing it; by doing it that way, you can avoid exacerbating this problem.



A handwritten signature in cursive script, appearing to read "Jeff". Below the signature is a long, thin diagonal line extending from the bottom left towards the center of the page.

From: Stephen Benka  
To: ALL-PT  
Date: 6 May 1997 (Tue) 14:43  
Subject: New editor

To all PTers,

I'm pleased to announce that Charles Day has accepted an editing position with us. He will begin working with us on Monday, 2 June.

I have called several of the other promising candidates, to let them know

- (a) that the position is filled,
- (b) that nevertheless their application was very promising
- (c) that I will keep their application on file for at least a year or two, and automatically "apply" them for our next relevant opening, and
- (d) that if the opportunity arises, they should pay us a visit (to which end I left my phone number)

The only one that I actually reached was Ramola Dharmaraj, and we had a very pleasant conversation. I left messages, with essentially (a)-(d) above, for Marta Dark, Nimmi Parikh, Allie Cliffe, Peter Pulsifer, and Michael Haken (whose application arrived on 30 April).

To all who took part in the hiring process, Thank You.

--Steve

Visited after  
position is  
filled.

M/K 3/12/99: Phone  
interview showed she  
was not available.

Recommended with  
great enthusiasm by  
David Mermin.

M/K 3/12/99: Application had  
arrived after 5 pm available  
were tested

Some of us strongly  
urged that she be  
interviewed.

M/K 3/12/99:  
March 25




Physics Ellipse  
College Park, MD 20740-3843

Tel. 301-209-3131  
Fax 301-209-3133

E-mail: brodsky@aip.org

June 18, 1998

**To:** All AIP Employees  
**From:** Marc H. Brodsky  **Extension:** 3131  
**Subject:** Acceptable Use Policy

As all of us are aware, there are appropriate and inappropriate ways to use AIP computers and related equipment; while some of these may be fairly obvious, others are not.

The attached policy (which becomes effective immediately) has been written to clearly define what is acceptable use of this equipment and technology. Please take the time to read, understand, and comply with it.

Attachment

**Member Societies:**

The American Physical Society  
Optical Society of America  
Acoustical Society of America  
The Society of Rheology  
American Association of  
Physics Teachers  
American Crystallographic  
Association  
American Astronomical Society  
American Association of  
Physicists in Medicine  
American Vacuum Society  
American Geophysical Union

**Other Member Organizations:**

Society of Physics Students  
(including Sigma Pi Sigma  
Physics Honor Society)  
Corporate Associates

**Background  
and Policy:**

This Acceptable Use Policy governs the use of computers, networks, voice mail and electronic mail systems at the American Institute of Physics. Computer facilities and infrastructure are for AIP business use. Communications transmitted through this system may not be used to solicit for private, commercial, religious or political causes, for outside organizations or in relation to other matters unrelated to the business of the Institute (except as defined below under "Specific Provisions"). If such systems are used for personal communications as provided for below, the employee has no expectation of privacy since the Institute may access communications from these systems at any time for any reason as stated below. As users of these resources, employees are responsible for reading and understanding this document. This document protects the consumers of computing resources, computing hardware and networks, and the systems and network administrators.

Computer facilities and infrastructure are provided for meeting corporate goals and to provide access to local, national, and international facilities to aid in the achieving of those goals. Those using the facilities and services must respect the intellectual and access rights of others locally, nationally, and internationally. Employees should be aware that any use of the facilities or infrastructure that is in violation of this policy may result in disciplinary action up to and including termination of employment.

**Rights and Responsibilities**

Computers and networks can provide access to resources inside and outside of AIP, including the ability to communicate with other users worldwide. Such open access is a privilege, much like access to books in the library, and requires that individual users act responsibly. Users must respect the rights of other users, respect the integrity of the systems and related physical resources, and observe all relevant laws, regulations, and contractual obligations. Because electronic information is volatile and easily reproduced, users must exercise care in acknowledging and respecting the work of others through a strict adherence to software licensing agreements and copyright laws.

Users do not own accounts on AIP computers but are issued access to AIP accounts for business purposes.

**AIP's Access of Computers and Networks**

AIP may access its computers, networks and electronic communications systems and obtain the communications within the systems, without notice to users of the system, when AIP deems it appropriate to do so. The reasons for which AIP may obtain such access include, but are not limited to: maintaining the system; preventing or investigating allegations of system abuse or misuse; assuring compliance with software copyright laws; complying with legal and regulatory requests for information; protecting the integrity of computer systems or the rights or property of AIP or other users; and ensuring that AIP's operations continue appropriately during an employee's absence. AIP may store electronic communications for a period of time after the communication is created. From time to time, communications stored in the system may be deleted, printed, examined,

copied or utilized for any purpose. Copies of all user files stored on the network are routinely backed up for disaster recovery purposes.

Other organizations' operating, computing and network facilities that are reachable via the AIP network may have their own policies governing the use of those resources. When accessing remote resources from AIP facilities, users are responsible for obeying both the policies set forth in this documents and the policies of other organizations. In cases where the two policies are in conflict, AIP policies will prevail.

In addition to possible federal and state legal controls, and applicable AIP policies and procedures, misuse of computing, networking, or information resources may result in disciplinary actions up to and including termination of employment.

### **Conduct That Violates This Policy**

This policy applies equally to computers, networks, and electronic communication systems. Computer and network access from AIP or remote access that utilizes, in any way, AIP systems or networks are covered under this policy. Conduct that violates this policy includes, but is not limited to, the activities in the following list:

- Any attempts to modify or remove computer equipment, software or peripherals without proper managerial authorization.
- Use of a computer account that belongs to another person or department, except for diagnostic testing by an authorized member of the Telecommunications & Information Services (MD), or the Business System & Operations, or Publishing Systems departments (NY).
- Use of accounts in such a way as would violate AIP contracts with service providers or customers.
- Giving access to a computer account, through sharing of passwords or otherwise, to any person other than the assigned user or an authorized member of the ACP Information Services, Business Systems & Operations, or Publishing Systems departments. Project or group accounts must be approved by either the ACP Information Services, Business Systems & Operations, or Publishing Systems department prior to use.
- Using the network to gain unauthorized access to any computer system.
- Connecting unauthorized equipment to the network for purposes inconsistent with the business purposes of AIP.
- Unauthorized attempts to circumvent data protection schemes or uncover security loopholes. This includes creating and/or executing programs that are designed to identify security loopholes and/or decrypt intentionally secure data.
- Knowingly or recklessly performing an act that will interfere with the normal operation of computers, terminals, peripherals, or networks.
- Knowingly or recklessly executing or installing on any computer system or network, or giving to another user a program, intended to damage or to place excessive load on a computer system or network. This includes, but is not limited to viruses, Trojan Horses, and worms.
- Deliberately wasting/overloading computing resources.

- Violating terms of applicable software licensing agreements or copyright laws.
- Using system resources to harass, threaten, defraud, or otherwise harm another. This includes sending unwanted e-mail or talk requests to another user.
- Using system resources in a manner that may reasonably be construed by others as harassing or offensive based on race, color, religious creed, national origin, ancestry, age, past or present history of mental disorder, mental retardation, learning disability, physical disability, sex, sexual orientation, marital status, veteran status, or any other characteristic protected under applicable federal, state or local laws.
- Initiating or propagating electronic chain letters.
- Inappropriate mass mailing or talk requests such as multiple mailings to news groups, mailing lists, or individuals, e.g. *spamming, flooding, bombing, or snerling*.
- Forging communications to make them appear to originate from another person.
- Accessing, or attempting to obtain access to, another's electronic communications without appropriate authorization.
- Monitoring or tampering, or attempting to monitor or tamper, with another user's electronic communications, or reading, copying, changing, or deleting another user's files or software without the express agreement of the other user or proper authorization.
- Transmission of material in violation of any local, state, or federal regulations including but not limited to, copyrighted material, threatening or obscene material (as defined by the most restrictive interpretation of any local, state or federal laws of the communities in which AIP employs workers, and as defined in AIP's written procedural policies), or material protected by trade secret.
- Use to solicit for religious or political causes, outside organizations or other personal matters unrelated to the business of the Company.

### System Administrator

"System Administrators" are staff whose responsibilities include system, site or network administration. A system administrator's use of AIP's computing resources are governed by the same guidelines as any other user's computing activity; in addition, a system administrator

- manages and provides access to AIP's systems, networks and servers.
- is responsible for the security of AIP's systems, networks and servers.
- must provide reasonable precautions against data corruption, damage or abuse of AIP's systems, networks and servers.
- must treat information about data used and stored on AIP's systems, networks and servers as confidential.
- oversees backup and restoration of data stored on AIP's systems and servers, in compliance with standard operating procedures and disaster recovery procedures.

A system administrator has authority to modify or remove equipment hardware, software and data. A system administrator may manipulate the systems, networks and servers to perform security, hardware and software evaluations.

### Personal Use of Computer Equipment and Facilities

Institute computer equipment and facilities are maintained in order to support the needs of the Institute and to provide services to the public and Member Societies. To the extent that these primary needs are not affected, the Institute also makes its computer equipment available to employees for personal use, subject to the guidelines provided below. Except in unusual circumstances, it is not expected that an employee will make more than casual use of Institute computer equipment for personal purposes (as defined below under "Specific Provisions"). Employees who intend to make more than casual use of Institute computer equipment and facilities are required to obtain approval from their supervisor in advance.

#### Specific Provisions:

- Institute computer equipment and facilities may be used for personal use only when not needed for Institute-related use. Any Institute-related activity always has priority over personal use.
- Personal use of Institute computer equipment and facilities must be limited to non-commercial purposes. This includes activities which may be broadly characterized as educational, recreational, hobby, and community service. Any community service use which might be interpreted as an ongoing commitment by the Institute requires approval in writing by the employee's divisional manager, the Director of Human Resources, and the Director of Information Technology & Products (New York) or the Director of Communication and Information Services (Maryland).
- All personal use of Institute computer equipment and facilities (including use of the Internet, USENET, or World Wide Web) shall be outside of the employee's normal working hours and must comply with all guidelines in "Conduct that Violates this Policy", above.
- All security regulations and access procedures should be followed at all times.
- The use of Institute computer equipment and facilities by anyone other than Institute employees is prohibited. On occasion, exceptions may be made for authorized individuals such as auditors, temporary employees, consultants, member society officers, etc.
- The use of Institute computer equipment and facilities for commercial or business-related activities is prohibited. This prohibition includes any arrangement that amounts to selling computer processing or services, or the use of the computer equipment and facilities to support any business-related activity, including but not limited to businesses owned by, operated by, or employing an Institute employee or a member of the employee's family.
- Only software provided or approved by the Institute may be used on Institute computer equipment. Authorization to use other software must be obtained from the Director of Information Technology & Products (New York) or the Director of Communication and Information Services (Maryland).
- External communications services such as Internet, USENET, and World Wide Web are available for personal use under the same conditions as Institute computer equipment and facilities. Since electronic mail messages and USENET postings sent from Institute computer facilities will identify the Institute as the source of these messages, employees are required to ensure that personal postings and electronic mail messages are not interpreted as official Institute statements, that they do not contain proprietary or confidential information, and that they present a positive public image of the Institute.

- Downloading of information and software from external services (including the Internet and World Wide Web), or its subsequent use on the Institute's computer systems, can only be done in accordance with procedure (see policy #411). Institute computer equipment may be used to access external services only if there are no costs to the Institute for use of the external service or network use. Use of Institute accounts to access an external service is prohibited.
- Use of specific equipment not used by the employee in the course of work assignments (such as workstations in training areas) must be approved by the manager responsible for that equipment.
- Access to non-AIP databases for personal use is permitted as long as such access does not incur a legal or financial liability to AIP; some databases may have charges associated with usage. In the event that a legal concern or financial liability is created by personal use, the employee involved shall be personally responsible and shall immediately take all necessary actions to remedy any such legal concerns or financial liability.
- If these guidelines do not answer all questions regarding a particular planned activity, the employee should discuss the activity with the employee's immediate supervisor or department manager in advance.

**Authority:**

Approved: Management Committee

Date: 4/30/98

**Procedure:**

Anyone suspecting misuse of computers, networks or electronic communication systems by an employee should report such occurrences to the employee's immediate supervisor, or to the Director of Information Technology & Products (New York) or the Director of Communication & Information Services (Maryland). Offenses will be referred to appropriate management authority for further action.

The System Administrator is responsible for assisting AIP management in protecting the system and users from abuses of this policy. Pursuant to this duty, and in consultation with his/her supervisor, the System Administrator may communicate with offending parties and may temporarily revoke or modify user privileges.

Temporary suspension decisions are reviewable by the System Administrator's supervisor(s) and ultimately by the Director of Information Technology & Products (New York) or the Director of Communication & Information Services (Maryland).

Failure to comply with this policy may result in disciplinary action up to and including termination of employment. Any offense that violates local, state, or federal laws may result in the immediate revocation of computing privileges and may be referred to appropriate law enforcement authorities.

**Reference:**

Policies 402, 411, 412 and 416 (re: software use).

D01465



500 Sunnyside Boulevard  
Woodbury, NY 11797-2999

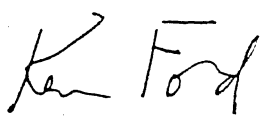
Tel. 516-576-2211  
Fax 516-349-1954

Telex 960983  
aminstphys-nyk

E-mail: kwf@aip.org

29 July 1993

To: All Employees who are Relocating or are Affected by the  
Relocation

From: Kenneth W. Ford 

Subject: Carryover of Vacation Days

Because of extra work and disruption of normal schedules associated with the relocation to Maryland, many of you will be unable to take vacations during the latter part of this year. Recognizing that this may result in an accrual of excess vacation days, we have decided to permit the carry-forward of additional days for the next two years, as indicated below:

<u>Year</u>	<u>Number of days that may be carried into the new year</u>
1994	50 ... or 20 more than your regular amount (which is usually 30 days)
1995	40 ... or 10 more than your regular amount
1996	30 ... or your regularly allowed amount (i.e., back to current policy)

**Member Societies:**

The American Physical Society  
Optical Society of America  
Acoustical Society of America  
The Society of Rheology  
American Association of  
Physics Teachers  
American Crystallographic  
Association  
American Astronomical Society  
American Association of  
Physicists in Medicine  
American Vacuum Society  
American Geophysical Union

Thanks for pitching in to make the relocation go as smoothly as possible. If you have any questions concerning the application of this policy, please contact Personnel.

A I P INTER-OFFICE MEMORANDUM

TO: Terri Braun  
FROM: Steve Benka  
DATE: 27 December 1994  
RE: Jeff Schmidt

At the end of 1994 Jeff Schmidt expects to have 46.34 unused vacation days. He used fewer vacation days than he might have in 1994 because of the changes that were occurring in this division and because of his interpretation of the memo on carryover of vacation days. Would you please carry over to 1995 all his unused vacation days?

Steve Benka *oh*  
*JK*

NOTIFIED  
S. Benka-  
1/26/95

Rec'd  
12/28/94

D01467



Prince George's County  
HUMAN RELATIONS COMMISSION  
1400 McCormick Drive, Suite 245  
Largo, Maryland 20774  
Telephone (301) 883-6170

IN THE MATTER OF:

Jeff Schmidt  
Complainant

Vs.

RE: HRC Case No.: RF00-1135  
EEOC Case No.: 12HA10020

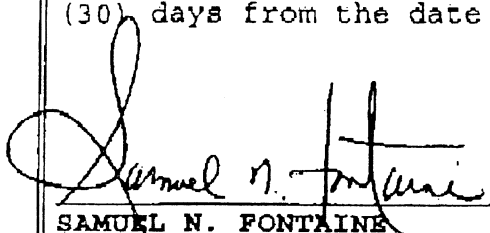
American Institute of Physics  
Respondent

COMMISSION ORDER

The Human Relations Commission having been petitioned to review the actions of the Executive Director in the administrative dismissal of the above-referenced complaint, received the recommendations of the Employment Panel, which reviewed the file in this matter.

The Commission at its regularly scheduled meeting on Monday, July 22, 2002, voted to adopt the recommendations of the Employment Panel and Executive Director in re-opening said complaint.

Under Section 2-197(c) of Division 12, Prince George's Code, 1991 edition, as amended, any party aggrieved by a final decision of the COMMISSSION in a contested case is entitled to file and appeal pursuant to Subtitle B of the Maryland Rules of Procedure, Annotated Code of Maryland, within thirty (30) days from the date last entered above.

  
SAMUEL N. FONTAINE  
Chairperson  
Prince George's County  
Human Relations Commission

JUL 01 2002

D01468

JACKSON LEWIS SCHNITZLER & KRUPMAN

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WASHINGTON, DC

WHITE PLAINS, NY

April 9, 2002

Mr. Arnold Hawkins  
Senior Investigator  
The Prince George's County Government  
Human Relations Commission  
1400 McCormick Drive  
Largo, Maryland 20744


Re: Jeff Schmidt v. American Institute of Physics  
Charge No. RF00-1135

Dear Mr. Hawkins:

We represent Respondent American Institute of Physics in the above referenced matter. As you requested, we have provided below the names and addresses of employees who were discharged by AIP from its College Park, Maryland location between November 1998 and November 2000, other than Complainant Schmidt:

1. Allura Ellington, 6661 Debra Lu Way, Springfield, Va. 22150. Ms. Ellington, who was employed in AIP's Internet Development division, was discharged in January 1999 because her job performance did not meet AIP standards.
2. Daniel Cooke, 1220 Blair Mill Road, Silver Spring, Md. 20910. Mr. Cooke, who was employed in AIP's Development office, was discharged in May 1999 because his job performance did not meet AIP standards.
3. Jennifer Crestwell, 8535 Ritchboro Road, Forestville, Md. 20748. Ms. Crestwell, who was employed in AIP's Facility Services department, was discharged in June 2000 because her job performance did not meet AIP standards.
4. Valerie Fowlkes-Bynum, 11306 Brigadier Court, Fort Washington, MD 20744. Ms. Fowlkes-Bynum, who was employed in AIP's Accounting Department, was discharged in March 2000 because her job performance did not meet AIP standards.

D01469



Mr. Arnold Hawkins  
The Prince George's County Government

April 9, 2002  
Page 2

If you require any further information, please contact me.

Very truly yours,

JACKSON LEWIS SCHNITZLER & KRUPMAN



Wendy J. Melik

WJM/dc



Wayne K. Curry  
County Executive

# THE PRINCE GEORGE'S COUNTY GOVERNMENT

## HUMAN RELATIONS COMMISSION



Jeff Schmidt  
3003 Van Ness Street, N. W.  
Washington, D.C. 20008

Complainant

vs.

HRC Case No.: rf00-1135  
EEOC Case No.: 12HA10020

American Institute of Physics  
One Physics Ellipse  
College Park, Maryland 20740

Respondent

### DETERMINATION

Under the authority vested in me by Division 12, Subdivision VII, Section 2-222, Prince George's County Code, 1995 edition, as amended, I issue the following determination as to the merits of the subject charge.

The Respondent is an employer within the meaning of Section 2-186(5) Division 12, Subtitle I, Prince George's County Code, 1995 edition, as amended and the timeliness and all other jurisdictional requirements have been met.

### FACTS AND CONCLUSIONS

Complainant alleges that Respondent retaliated against him in the termination of his employment on May 31, 2000.

Respondent denies Complainant's allegation.

Respondent is a not-for-profit membership corporation that promotes the advancement of knowledge of physics and is located in College Park, Maryland. Respondent hired Complainant initially as an Associate Editor, then as a Senior Associate Editor.

Complainant alleges that on or about August 17, 1999, he made an internal Title VII based complaint to his Supervisors that the Respondent was not following its Affirmative

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Largo, Maryland 20774

D01471

(301) 883-6170 TDD (301) 925-5167 FAX (301) 883-2649

**Letter of Determination****Jeff Schmidt****HRC No.: rf00-1135****Page 2**

Action Program in the hiring and promotion of employees (Black) in professional positions. Complainant alleges that after he made his internal Title VII based complaint on August 17, 1999, he was given a negative Performance Review. Complainant alleges that on May 31, 2000, he was accused of writing a book on company time that he alleges is not true, and was terminated. Complainant alleges that from January 28, 1998, to May 31, 2000, Respondent banned any private conversations between himself and co-workers (White) because Respondent thought he was organizing to bring about changes in Respondent's policies, including their discriminatory hiring practices.

Respondent denies Complainant's allegations. Respondent proffers that for several years prior to his discharge, Complainant consistently was counseled because he failed or refused to meet Respondent's productivity standards. Respondent proffers that in late May 2000, Respondent learned that Complainant recently published a book announcing that it was written on "stolen time." Respondent proffers that in the book's introduction section, Complainant unequivocally admitted to writing it during work hours. Respondent proffers that in pertinent part, Complainant wrote in the Introduction of his book: "This book is stolen, written in part on stolen time... so I began spending some office time on my own work...." Respondent proffers that after Complainant admittedly used Respondent's time to write the book, rather than strive to meet Respondent's productivity standards, his employment was terminated.

Respondent acknowledges that in 1997 Complainant alleged that Respondent failed to make efforts to recruit minority professionals for a particular Physics Today (PT) Associate Editor position. Respondent proffers that its Executive Director/CEO investigated Complainant's allegations and found them to be baseless. Respondent proffers that its Executive Director/CEO met with Complainant several times in 1998, to relay the findings of his investigation.

Respondent proffers that Complainant's negative performance evaluation and subsequent discharge was not based on his filing an internal Title VII based complaint. Respondent proffers that for several years prior to his discharge, Complainant failed or refused to meet Respondent's productivity goals, and was resistant, at times, to assuming responsibility for articles prior to the "ready to edit" stage. Respondent proffers that it never banned Complainant from having private conversations with his co-workers. Respondent proffers that after Complainant made his internal Title VII based complaint, Respondent afforded Complainant favorable treatment by allowing Complainant to take a six month sabbatical in 1998-1999, and by allowing Complainant to change his employment status from full-time to part-time.

The focus of the Commission's investigation centers on Complainant's allegation that Respondent retaliated against him when he was banned from talking to his co-employees

**Letter of Determination****Jeff Schmidt****HRC No.: rf00-1135****Page 3**

(White), given a negative performance evaluation, and terminated his employment on May 31, 2000.

The first focal point of the Commission's investigation centers on Complainant's allegation that after filing an internal Title VII based complaint he was given a negative performance evaluation.

A review was conducted of Complainant's personnel file. The review reveals a performance review dated February 15, 1995 for the period February 1994-January 1995. The performance review reveals an overall rating of 3.0. The performance review reveals that Complainant is capable of editing 16 articles a year, and he "did not meet this goal in 1994." The performance review states that Complainant's "productivity on his main function of editing feature articles is below capacity. With the magazine's call for more but shorter articles, [Complainant] must aim to edit a minimum of 16 articles published April 1995 to March 1996." The performance review reveals that it was signed by Complainant on February 16, 1995.

A review was conducted of Complainant's performance review dated February 13, 1997 for the period February 1996-January 1997. The performance review reveals an overall rating of 4.0. The performance review reveals Complainant was "one shy of his agreed upon goal of 16. The performance review states that Complainant "needs to increase his article output in 1997 to at least 16, and preferably 18." The performance review reveals that Complainant signed it on February 13, 1997.

A review was conducted of Complainant's performance review dated March 12, 1998 for the period February 1997-January 1998. The performance review reveals an overall rating of 3.0. The performance review reveals Complainant's "articles are generally on time and are often early. For this review period, he was asked to produce 16-18 articles. Seven months into this review period, we made an adjustment (reflected in the above weight) because of his imminent fatherhood that effectively reduced his production minimum from 16 to 15, and he met this revised goal." The performance review states "over the last few years, 'Physics Today' has been undergoing a number of changes-including raising levels of productivity, editorial quality and graphic design. [Complainant] is very capable of meeting these new demands. At the request of the Editor, [Complainant] did begin to handle his own correspondence with authors, as is done by all other articles editors. He has not yet begun to do his own keyboarding or editorial changes, as is done by all other articles editors."

The performance review reveals that "in the next review period, [Complainant] is expected to produce 18 high-quality articles, editing and rewriting text as needed, handling his own correspondence and doing all of his own keyboarding. The articles

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must be consistent with the magazine's standards of accuracy, readability, brevity, and visual appeal." The performance review reveals that Complainant did not sign the review.

A review was conducted of a memorandum dated October 1, 1998, from Complainant's Supervisor to Complainant. The memorandum reveals that the subject of the memorandum was performance, expectations, and sabbatical. The memorandum states "to avoid misunderstandings, recall my expectations for your performance: A minimum of 18 completed, high-quality articles per year; consistently constructive, helpful, collegial behavior supportive of the overall editorial effort of the magazine." The

memorandum states "you have asked for a six-month sabbatical and we would like to accommodate your request. Until a means of covering your workload is found, however, I expect you to continue working to meet your performance goals. Upon returning from a sabbatical, my expectations for you will remain the same." The memorandum reveals Complainant received the memorandum.

A review was conducted of a performance review dated August 13, 1999, for the period February 1998-August 1999 (PT issues March '98-Sep. '99)-incl. 6-mo. Sabbatical. The performance review reveals an overall rating of 2.8 that was changed on August 20, 1999 to 3.0. The performance review states Complainant "was asked to produce 18 high-quality articles, and he actually produced 13.5, which is unacceptable. The performance review states Complainant repeatedly engaged in disruptive and counterproductive behavior, damaging a collegial office climate and thereby undermining the editorial effort of Physics Today. Such behavior is unacceptable." The performance review states the following as examples of Complainant's unacceptable behavior. Complainant was removed from working on the PT anniversary issue, and produced a very unbalanced set of decadal excerpts strongly centered on political issues, whereas Complainant had been directed to focus on physics excerpts. Complainant wrote a 19 page response to his last performance review with another 38 pages of addenda (as he is entitled to do), and circulated it to PT staff members. The performance review reveals that Complainant signed the review on August 19, 1999.

A review was conducted of a memorandum dated August 19, 1999, from Complainant to his Supervisor. The memorandum reveals as its subject "My 1999 performance review (dated 13 August 1999 and signed by you on 17 August 1999)." The memorandum states "I was disappointed to find that you wrote my 1999 performance review in the same punitive spirit as my 1998 review. Like my 1998 review, the present review understates or completely leaves out my accomplishments and does not mention the praise that I have received for my work. At the same time, it contrives deficiencies and plays them up. I had thought you had gotten beyond that."

**Letter of Determination**  
**Jeff Schmidt**  
**HRC No.: rf00-1135**  
**Page 5**

Investigation disclosed that Complainant's overall performance rating for the period February 1997-January 1998, after he filed his internal Title VII based complaint was the same as his rating for the period February 1994-January 1995. Investigation disclosed that Respondent has raised concerns regarding Complainant's productivity since before Complainant filed his internal Title VII based complaint.

Based on evidentiary findings, there is insufficient evidence to support Complainant's allegations.

The second focal point of the Commission's investigation centers on Complainant's allegation that after filing an internal Title VII based complaint he was banned from having private conversations with co-workers (White).

A review was conducted of a memorandum dated September 26, 1997, from Respondent to Complainant. The memorandum states "We welcome constructive and productive contributions from you, but behavior by you that we consider destructive and counterproductive will no longer be tolerated. Your continued interruption at our retreat, after you were instructed to hold your questions and comments until the discussion segment of the agenda, is an example of what we mean. The continuation of such behavior on your part, in the office or at any work-related activity, will not be tolerated."

An interview was conducted with an Editorial Assistant. This witness stated that she has been employed with Respondent and remembers Complainant but knows nothing about the circumstances surrounding his departure from Respondent.

An interview was conducted with a former employee. This witness stated that he worked for Respondent from July 1995 to March 2000, and left because he was disgruntled with the way Respondent was being managed. This witness stated that he and Complainant had adjoining offices and worked closely together. This witness stated that Complainant in the fall of 1996 was raising issues with management concerning compliance with Respondent's Affirmative Action Plan. This witness stated that he saw a note given to Complainant that he considered a "gag order." This witness stated that the note told Complainant that his job was at risk, and that he should stop being counter-productive. This witness stated that a co-employee received the same note. This witness did not state that he was adversely affected because of his participation in protected activity. This witness stated that he believes Complainant was affected because he was considered the ring-leader.

An interview was conducted with another former co-employee. This witness stated that she was employed with Respondent from September 1989 to November 1999. This witness stated that Complainant started having trouble when he started questioning

**Letter of Determination****Jeff Schmidt****HRC No.: rf00-1135****Page 6**

Respondent's adherence to its Affirmative Action Plan. This witness stated that she and other employees participated in questioning Respondent's adherence to its Affirmative Action Plan. This witness stated that she saw a note given to Complainant and another co-employee that she considered a "gag order" that stated they were not to say anything that was counter productive.

This witness stated that over the years her ideas got dismissed, but as she became more assertive she got more respect. This witness stated that in 1995, she was receiving less pay than Editors (Non-Asian American). This witness stated that she complained that she was being paid less because she was the only Asian American, and immediately received a promotion and pay raise.

This witness stated she was not adversely affected for her participation in protected activity. This witness stated that she believes that she was not adversely affected because she was less assertive than Complainant.

An interview was conducted with another former co-employee. This witness is the co-employee cited above as receiving the "Gag Order." This witness stated that he was employed with Respondent from 1991 to May 1998. This witness stated that he resigned his position with Respondent because he was unhappy about how poorly things were managed. This witness stated that Respondent's parent company did not adequately support it financially. This witness stated that sometime in 1997, Respondent's CEO held a meeting during which he raised issues regarding lack of financial support, lack of equipment, and poor management. This witness stated that the CEO became very annoyed. This witness stated that after the meeting, Respondent's Publisher pulled him aside and told him not to criticize upper management in public, and that issues like those he raised could only be raised in private. This witness stated that the same thing was imposed on Complainant. This witness stated that Complainant could only raise things related to articles, and nothing related to the work place, how the place was run, or about the culture of the place.

This witness stated that Complainant wanted the work place to operate in more of a collective fashion instead of receiving orders from management. This witness stated that at one time Complainant raised issues of affirmative action (minorities under represented). This witness stated that he was not involved in the affirmative action issues raised by Complainant.

This witness stated that once at a company retreat, Complainant was yelled at to be quiet. This witness stated that as a result of the issues that he did raise, he was treated more harshly. This witness stated that meetings he participated in became more acrimonious. This witness stated that in some respects he was treated the same way.

**Letter of Determination****Jeff Schmidt****HRC No.: rf00-1135****Page 7**

This witness stated that a group of them were regarded as troublemakers and agitators. This witness stated that part of his duties were management, so sometimes he was looked at as being outside the group and treated better. This witness stated that when he was seen as being inside the group he was treated more harshly.

This witness stated that the reason for Complainant's termination was bogus. This witness stated that Complainant was either terminated because management did not like the language in the book, or because management calculated to get rid of a thorn in their side (Complainant raised affirmative action issues and pushed for collective management).

A review was conducted of the memorandum dated September 26, 1997, from Respondent to Complainant. The memorandum states the following:

"We welcome constructive and productive contributions from you, but behavior by you that we consider destructive and counterproductive will no longer be tolerated. Your continued interruption at our retreat, after you were instructed to hold your questions and comments until the discussion segment of the agenda, is an example of what we mean. The continuation of such behavior on your part, in the office or at any work-related activity, will not be tolerated."

The memorandum reveals that Complainant was not banned from having private conversations with co-workers.

Investigation disclosed that some of Complainant's co-workers participated in protected activity along with Complainant, but were not adversely affected.

Based on evidentiary findings, there is insufficient evidence to support Complainant's allegations that he was banned from having private conversations after filing an internal Title VII based complaint.

The third focal point of the Commission's investigation centers on Complainant's allegation that after filing an internal Title VII based complaint he was terminated.

Investigation disclosed that Respondent has an Equal Opportunity in Employment Policy that states Respondent will not discriminate on the basis of any protected characteristic.

Investigation disclosed that Respondent has a General Rules of Conduct Policy. The Policy states that all employees are employed at-will and can be terminated with or without cause and with or without notice. The Policy reveals the following conduct is included but not limited to the unauthorized behavior that is subject to discipline up to

**Letter of Determination****Jeff Schmidt****HRC No.: rf00-1135****Page 8**

and including discipline: misuse of confidential information, falsifying records, illegal conduct, and solicitation of any kind by an employee of another employee while either is on working time.

A review was conducted of Complainant's personnel file. The review did not reveal written termination notice. The review did not reveal any written Title VII based complaints.

A review was conducted of a letter dated November 5, 1997, to Respondent's CEO from Complainant. The letter reveals Complainant made an internal Title VII based complaint. The letter reveals Complainant and other staff members at a staff meeting in November 1996 raised Title VII based concerns.

A review was conducted of the Introduction to the cited book Complainant wrote. The introduction states "this book is stolen. Written in part on stolen time, that is, I felt I had no choice but to do it that way."

An interview was conducted with a former employee. This witness stated that he held the position of Associate Editor, and his primary function was writing news articles. This witness stated that he did free lance work with Respondent's formal permission. This

witness stated that because he did not have a 9-5 job, there was no real distinction between when he was working on company time or his own time.

An interview was conducted with another former employee. This witness stated that he held the position of Associate Editor, he did free lance work. This witness stated that he never wrote his free lance articles on company time, he only wrote them home at night.

Interviews were conducted with seven similarly situated employees (5 current employees, 2 former employees). Six of the employees stated that they had not written books or periodicals on company time. One of the employees stated that in order to free lance an employee must get clearance from Respondent, and must free lance on their own time. This employee stated that any work done for an outside publication on company time is considered unethical in this business. Two witnesses stated that they know of employees who have written books or periodicals on company time, but they do not know if Respondent was aware of same. One witness stated that he has a colleague currently writing a book, but his colleague changed his work schedule to a three-day shift to have time to write. This witness stated that employees wrote free lance articles, but on their time. One witness stated that he did outside work, but not on company time.

The Commission in a Title VII Retaliation complaint under Sec. 704(a) must establish that the charging party either opposed an unlawful practice or participated in the

**Letter of Determination****Jeff Schmidt****HRC No.: rf00-1135****Page 9**

investigation of same. The Commission must establish that the Respondent had knowledge that the charging party engaged in the protected activity (this burden was satisfied, Complainant filed an internal Title VII based complaint on 11-5-97). Second, there must have been an adverse action taken against the charging party in close proximity to the time the charging party engaged in the protected activity (this burden was satisfied-Complainant was terminated 5/31/00). Finally, there must be proof of a causal connection between the protected activity (filed complaint) and the adverse employment action (Complainant's termination on 5/31/00) taken against the charging party (this burden was not satisfied).

In order to establish unlawful retaliation, there must be proof that the Respondent took an adverse action because the charging party engaged in protected activity. Proof of this retaliatory motive can be through direct or circumstantial evidence. A violation is established if there is circumstantial evidence raising an inference of retaliation and if the Respondent fails to produce evidence of a legitimate, non-retaliatory reason for the challenged action, or if the reason advanced by the Respondent is a pretext to hide the retaliatory motive.

An initial inference of retaliation arises where there is proof that the protected activity and the adverse action were related. Typically, the link is demonstrated by evidence that: (1) the adverse action occurred shortly after the protected activity, and (2) the person who undertook the adverse action was aware of the Complainant's protected activity before taking the action. An inference of retaliation may arise even if the time period between the protected activity and the adverse action was long, if there is other evidence that raises an inference of retaliation.

Even if the Respondent produces evidence of a legitimate, nondiscriminatory reason for the challenged action, a violation will still be found if this explanation is a pretext designed to hide the true retaliatory motive. Typically, pretext is proved through evidence that the Respondent treated the Complainant differently from similarly situated employees or that the Respondent's explanation for the adverse action is not believable. Pretext can also be shown if the Respondent subjected the Complainant's work performance to heightened scrutiny after he engaged in the protected activity.

Based on evidentiary findings, there is insufficient evidence to support Complainant's allegations that he was terminated because he filed a Title VII based complaint.

Based on overall evidentiary findings, there is insufficient evidence to support Complainant's allegations that Respondent retaliated against him in the terms, conditions (performance reviews), privileges (private conversations with co-workers), and termination of his employment on May 31, 2001.

**Letter of Determination****Jeff Schmidt****HRC No.: rf00-1135****Page 10**

This Determination concludes the staff's processing of the subject charge.

Should Complainant have additional information which Complainant feels may substantially alter my decision in this matter, Complainant may write to me within thirty (30) days from the date of this letter and request that this case be re-opened, providing such information or evidence.

Should the Complainant feel dissatisfied with this decision and have no additional information or evidence to offer, Complainant may in accordance with the Rules of Procedure governing the Prince George's County Human Relations Commission appeal the decision of the Executive Director, within thirty (30) days from the date of this letter by setting forth reasons for said appeal in a written request to:

Samuel N. Fontaine  
Chairperson  
Prince George's County  
HUMAN RELATIONS COMMISSION  
1400 McCormick Drive, Suite 245  
Largo, Maryland 20774

This decision constitutes a **final action** by this Commission concerning your complaint if no appeal is received within thirty (30) days of this date.



William A. Welch, Sr., Ed.D.  
Executive Director  
Prince George's County  
Human Relations Commission

6/13/02  
Date

Cc: Complainant

**jackson lewis**  
Attorneys at Law

Jackson Lewis LLP  
1000 Woodbury Road  
Suite 402  
Woodbury, New York 11797  
Tel 516 364-0404  
Fax 516 364-0466  
www.jacksonlewis.com

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GREENVILLE, SC	NEW YORK, NY	WASHINGTON, DC
HARTFORD, CT	ORLANDO, FL	WHITE PLAINS, NY
LONG ISLAND, NY	PITTSBURGH, PA	

April 11, 2003

**VIA FEDERAL EXPRESS**

Ms. Patricia Y. Miller  
Special Investigator  
Prince George's County, Maryland  
Human Relations Commission  
1400 McCormick Drive, Suite 245  
Largo, Maryland 20744

Re: Jeff Schmidt v. American Institute of  
Physics Charge No. RF00-1135

Dear Ms. Miller:

As counsel for Respondent, we are providing the supplemental information you requested in connection with the above-referenced matter.

1. Attached hereto are copies of the last three performance evaluations for Paul Elliott; Jean Kumugai; William Sweet; and, Graham Collins.
2. Currently, Physics Today has twenty-one (21) employees. Four of the 21 employees are African-American.

If you require any additional information, please contact me.

Very truly yours,

JACKSON LEWIS LLP

Wendy J. Mellk

D01481



PERFORMANCE REVIEW, 1998--99

March 15, 1999

Name: Paul Elliott

Job title: Articles Editor

Branch/Division: Physics Programs/*Physics Today*

Reports to: Editor

Period of review: Mar 1998--Feb 1999 (PT issues April '98--March '99)

BRIEF DESCRIPTION OF JOB DUTIES:

Produce the monthly Letters to the Editor department. Copyedit editorial material for *Physics Today*. Perform other editorial functions.

**Major Responsibility 1:** Produce the monthly Letters to the Editor department.

Weight: 45%

Rating: 4.0

Score: 180.0

**Major Responsibility 2:** Copy edit editorial material for *Physics Today*.

Weight: 40%

Rating: 3.5

Score: 140.0

**Major Responsibility 3:** Perform other editorial functions.

Weight: 15%

Rating: 3.5

Score: 52.5

9  
14  
APPRaiser's COMMENTS:

The Letters department, under Paul's guidance, has become one of the most popular and appreciated departments in the magazine. His production of this department was good during this period; for 7 of the 11 issues (there was no Letters department in the May 1998 50<sup>th</sup> Anniversary issue) it closed ahead of the magazine's deadline. In addition, since the departure of an administrative assistant in March '98, he has taken on ~~many~~ of the administrative duties of the Letters department, and kept it running smoothly. Still, there is some room for improvement, and Paul should strive to regularly close this department at least four (and preferably six) days prior to the magazine's deadline. 86

As a copyeditor, Paul adds real value to the magazine. His editing ranges from the smallest of stylistic corrections to substantive suggestions for changing the content or flow of a piece. His turnaround time needs to be quicker, however, so as to better facilitate the magazine's production. The situation could be helped by closing the Letters earlier in the monthly cycle, as noted above, to free Paul up for needed copyediting of news departments late in the cycle.

Paul's participation in staff meetings is always welcome, and he often has innovative ideas for addressing editorial or procedural issues. He helped greatly with the 50<sup>th</sup> Anniversary issue.

Overall Score: 372.5

Overall Rating: 3.7

Employee's Comments:

From: Lars Falk <lfalk@sto.foa.se>  
To: "Paul Elliott (Paul Elliot)" <pelliot@aip.org>  
Date: Wed, Mar 17, 1999 4:41 am  
Subject: Re: Falk Letter to the Editor (Physics Today)

Dear Dr. Elliott,

. . . . It is perhaps worth mentioning that the Letters section of Physics Today is one of my favourites along with the book reviews. The popularity and usefulness of a journal can often be measured by its Letters section.

Best regards

Lars Falk  
National Defence Research Institute (FOA)  
Stockholm, Sweden

SIGNATURES:

Employee: Paul Elliott Date: March 17, 1999

Appraiser: Steve Binka Date: 3/15/99

Both the appraiser and the employee must sign and date the form. The employee's signature does not necessarily represent agreement with the review but that he/she has seen the form and participated in the performance appraisal.

H.R. Review: Jonathan J. Gaudin Date: 3/26/99

D01484

AMERICAN INSTITUTE OF PHYSICS  
PAYROLL AUTHORIZATION FORM B

EMPLOYEE PAUL  
EMP. NO. 4033

ELLIOTT

DIVISION PHYSICS TODAY  
SSN: [REDACTED]

REMARKS: ANNUAL REVIEW

**SALARY CHANGE INFORMATION:**

Position Title	Grade	Current Range	Effective	Next Review
ARTICLES EDITOR	E07	44050.00 57900.00 71750.00	4/1/98	4/1/99

Previous Salary	Amount of Increase	New Salary	Percent Increase
58500.00	1300	59800	2.2

Quartile:	Amount of Previous Increase	Previous % of Increase	Overall Rating:
3	2500.00	4.46	3.0

**TITLE CHANGE INFORMATION**

From: ARTICLES EDITOR To: Effective:

New Grade: New Range: \$

**TRANSFER**

From: PHYSICS TODAY To: Effective Date:

Steve Benka  
Recommending Party

Date: 3/9/98

cel  
Authorized Approval

Date: 3/11/98

Atkinson  
Personnel

Date: 4/27/98

MISCELLANEOUS REMARKS:

PAF Created by: APRREVIEWS JPW

D01485

# AMERICAN INSTITUTE OF PHYSICS

## INTER-OFFICE MEMORANDUM

TO: Paul Elliott

FROM: James H. Stith EXTENSION: 3126

DATE: June 24, 1998 *JHS*

SUBJECT: Performance Review 1998

---

As requested in your memorandum of 28 April 1998, I have completed my investigation of the issues surrounding your 1998 performance review.

While issues that have impact upon the climate within **Physics Today** were uncovered, I did not find sufficient reasons to justify a change in your 1998 performance review.

I trust that you and the management of **Physics Today** will be able to delineate clearly the goals, level of performance and criteria for evaluation that will determine the basis for your 1999 review. Once this is accomplished, I anticipate a return to a level of performance and an evaluation that both you and management find satisfactory.

Cc: Theresa Braun  
Steve Benka  
Charles Harris

D01486

PERFORMANCE REVIEW, 1997--98

March 9, 1998

Name: Paul Elliott

Job title: Editor

Branch/Division: Physics Programs/*Physics Today*

Reports to: Stephen Benka

Period of review: Mar 1997--Feb 1998 (PT issues April '97--March '98)

**BRIEF DESCRIPTION OF JOB DUTIES:**

Produce the monthly Letters to the Editor department. Copyedit editorial material for *Physics Today*. Perform other editorial functions.

**Major Responsibility 1:** Produce the monthly Letters to the Editor department.

Weight: 45%

Rating: 2.5

Score: 112.5

**Major Responsibility 2:** Copy edit editorial material for *Physics Today*.

Weight: 40%

Rating: 3.5

Score: 140.0

**Major Responsibility 3:** Perform other editorial functions.

Weight: 15%

Rating: 3.5

Score: 52.5

**APPRAISER'S COMMENTS:**

The Letters department is widely read and widely praised, in large measure due to Paul's editing and assembly of the letters. His production of this department, however, slipped significantly during this review period. He has consistently delivered Letters well after his deadline (varying from 3 to 7 days late; the one exception was the 10/97 issue, which he prepared on time). He recognized his lateness, and formulated a plan to address it beginning with the January 1998 issue, but there is no noticeable difference. In addition, Paul can be very slow to process individual letters, and at times has failed to seek the responses indicated by the reviewers.

Paul's copyediting remains very good, though his turnaround time could be quicker.

Paul is a capable member of the PT team. He needs to find more efficient ways to work, so as to complete his tasks on time without sacrificing the high quality for which he is known.

**Overall Score: 305.0**

**Overall Rating: 3.0**

D01487

Employee's Comments: This review is a rank travesty. It ignores my contribution to PT and instead alleges — without plausible justification — that my work has declined in both quality and hindiness since last year. It maladroitly distorts reality through the use of error, omission, distortion, insinuation, and faint praise. It reflects Steve Benka's failure to conduct the review in accordance with the procedures stipulated in the AIP employee handbook for both the review meeting itself and employee-manager relations over the year. It is being wielded as a weapon of punishment by a manager who clearly has little or no understanding of the role of a manager in supporting and encouraging staff members — or of the fact that one of the traditional principles of good management is that at performance-review time, there should be no surprises for either party. It is vindictive in that another editor ~~has~~ with a late-closing

SIGNATURES: I am still preparing a detailed response to Steve's charges. I am not through doing that in part because the May issue of PT is late in closing and I have work to do. But I'll forward my memo when it's ready.

Employee: Paul Elliott Date: April 15, 1998

Appraiser: Steve Benka Date: 3/12/98

Both the appraiser and the employee must sign and date the form. The employee's signature does not necessarily represent agreement with the review but that he/she has seen the form and participated in the performance appraisal.

Hardly. Steve sat down with me for the first time in a year and told me that I had been a bad person! 11E

H.R. Review: M. Anderson Date: 4/15/98

department has just received a higher rating than I have here, even though her department accounts for 90% of her work responsibility, whereas my department accounts for ~~the~~ only 45% of mine. I believe I am being penalized by a manager who prefers to scapegoat the editors rather than face up to his failure to solve the central problem that he inherited at PT — almost four years ago: the PT cultural tradition of playing brinkmanship with the monthly deadline. An experienced and skilled manager with problem-solving skills, a modicum of creativity, and the ability to understand, direct, support, and motivate employees would surely have welded this fractious staff into a harmonious and upbeat team by now (most of my employees as an employee has been in a supervisory capacity).

From: Paul Elliott (Paul Elliot)  
To: Sbenka  
Date: 3/18/98 9:27am  
Subject: Performance Review

*Physics Today*  
*\$58,500 - EM*

Steve,

I said I would get back to you by 11 a.m. today.

As I have not finished preparing my response to the performance review you wrote on March 9 and confronted me with on March 12, I request a one-month continuance, pursuant to AIP regulations.

Paul

CC: charris

*Note that the managers were not late.*

*- Steve 3/18/98*

AMERICAN INSTITUTE OF PHYSICS  
PAYROLL AUTHORIZATION FORM B

EMPLOYEE: PAUL  
EMP. NO. 4033

ELLIOTT

DIVISION: PHYSICS TODAY  
SSN: [REDACTED]

REMARKS: ANNUAL REVIEW

**SALARY CHANGE INFORMATION:**

Position Title	GRADE	Current Range	Effective	Next Review
ARTICLES EDITOR	E07	42750.00 - 56200.00 - 69650.00	4/1/97	4/1/98

Previous Salary	Amount of Increase	New Salary	Percent Increase
56000.00	2500	58,500.00	4.5%

Quartile:

Overall Rating: 4.0

<sup>2</sup>  
Steve Benka

Recommending Party

Ceb JSP

Authorized Approval

Chie Robin

Personnel

**TITLE CHANGE INFORMATION**

From: ARTICLES EDITOR

To:

Effective: \_\_\_\_\_

New Grade:

New Range: \$

\_\_\_\_\_  
Division Head

\_\_\_\_\_  
Personnel

**TRANSFER**

From: PHYSICS TODAY To: \_\_\_\_\_

Effective Date: \_\_\_\_\_

\_\_\_\_\_  
Division Head

\_\_\_\_\_  
Division Head

\_\_\_\_\_  
Personnel

MISCELLANEOUS REMARKS:

JPW/PAFREVIEW

D01490

PERFORMANCE REVIEW, 1996--97

15 April 1997

Name: Paul Elliott

Job title: Editor

Branch/Division: Physics Programs/*Physics Today*

Reports to: Stephen Benka

**BRIEF DESCRIPTION OF JOB DUTIES:**

Produce the monthly Letters to the Editor department. Copyedit editorial material for *Physics Today*. Perform other editorial functions.

**Major Responsibility 1:** Produce the monthly Letters to the Editor department.

Weight: 45%

Rating: 4.0

Score: 180.0

**Major Responsibility 2:** Copy edit editorial material for *Physics Today*.

Weight: 40%

Rating: 4.0

Score: 160.0

**Major Responsibility 3:** Perform other editorial functions.

Weight: 15%

Rating: 4.5

Score: 67.5

**APPRAISER'S COMMENTS:**

Paul is a highly valued member of the PT team. His copyediting is deft and shows good insight. His queries are excellent. His command of English is superb.

The Letters department is widely read and widely praised, in very large measure due to Paul's editing and assembly of the letters. He has worked to streamline the processing of letters, and instituted email submission of letters.

Paul's value to PT goes beyond his editing duties. His analytical approach to problems, coupled with his common sense and ability to work effectively with others, have garnered him a genuine respect from the staff. His advice is often sought in matters other than editorial. His contribution to an improved climate at PT is recognized and appreciated.

**Overall Score: 407.5**

**Overall Rating: 4.0**

Employee's Comments:

SIGNATURES:

Employee:

*Paul Elliott*

Date:

*4/22/97*

Appraiser:

*Steve Benka*

Date:

*4/22/97*

Both the appraiser and the employee must sign and date the form. The employee's signature does not necessarily represent agreement with the review but that he/she has seen the form and participated in the performance appraisal.

H.R. Review:

*A. L. L.*

Date:

*4/23/97*

D01491

Jean Kumagai

D01492

AMERICAN INSTITUTE OF PHYSICS  
PAYROLL AUTHORIZATION FORM B

EMPLOYEE: JEAN  
EMP. NO. 2638

KUMAGAI

DIVISION: PHYSICS TODAY  
SSN: [REDACTED]

REMARKS: ANNUAL REVIEW

**SALARY CHANGE INFORMATION:**

Position Title	GRADE	Current Range	Effective	Next Review
ASSOC EDT LEV <u>I</u>	E07	45375.00 59650.00 73900.00	6/1/99	6/1/2000

Previous Salary	Amount of Increase	New Salary	Percent Increase
52500.00	2200.00	54,700.00	4.2%

Quartile:	Amount of Previous Increase	Previous % of Increase	Overall Rating:
2	2500.00	5.00	3.82 <u>4.0</u>
			Previous Rating 3.82

**TITLE CHANGE INFORMATION**

From: ASSOC EDT LEV I To: Effective Date:

New Grade: New Range:

**TRANSFER**

From: PHYSICS TODAY To: Effective Date:

**SIGNATURES**

Steve Benka  
Recommending Party  
Date: 5/18/99

[Signature]  
Authorized Approval  
Date: \_\_\_\_\_

[Signature] 5/28/99  
Human Resources

**MISCELLANEOUS REMARKS:**

PAF Created by: MAY:REV:SL

D01493

Employee Name: Jean Kumagai  
Division: Physics Today                      Manager: Steve Benka  
Job Title: Associate Editor II              Reporting to: Steve Benka  
Period: May 1998 to April 1999; Publications June 1998 to May 1999.

**Major Responsibility 1:** Identify, research, report and write stories for the Physics Community department, in consultation with the Editor and other editors. In conjunction with other members of the staff, help assemble and produce the department so as to meet deadlines.

Weight: 49%                      Rating: 4.0                      Score: 196.0

Jean wrote 16 stories with her byline for PC in this period (including five lead stories, two of which were intricate stories related to the Indian & Pakistani nuclear tests) and 23 unsigned stories, many of which involved our member societies. She also wrote 2 Briefs.

**Major Responsibility 2:** In consultation with the Editor and other editors, identify, research and write Profiles (formerly called Career Choices). In conjunction with other members of the staff, help assemble and produce the department so as to meet deadlines.

Weight: 18%                      Rating: 3.0                      Score: 54.0

Jean wrote one Career Choices piece and one Profiles piece in this review period. Each piece profiled more than one individual (three teachers in 6/98, two arms control experts in 4/99) and was excellent. Profiles could be expanded in frequency.

**Major Responsibility 3:** In consultation with the Editor, edit nontechnical feature articles and Opinion pieces. This includes revising text in consultation with authors, identifying and obtaining artwork and assisting with seeing the article or Opinion piece through production so as to meet deadlines.

Weight: 15%                      Rating: 4.0                      Score: 60.0

Jean edited two Opinion pieces in this period, one of which she originated. She edited two feature articles in this period.

**Major Responsibility 4:** In consultation with the Editor and other editors, identify, research and write stories for the We Hear That department. In conjunction with other members of the staff, help assemble and produce the department so as to meet deadlines.

Weight: 3%                      Rating: 4.0                      Score: 12.0

Jean trained Judy Barker to take over this aspect of her job as of the 8/98 issue.

**Major Responsibility 5:** Copyedit Book Reviews, New Products, Washington Reports and Calendar.

Weight: 10%                      Rating: 4.0                      Score: 40.0

Jean's copyediting remains very clean and she turns copy around quickly. She occasionally helps by copyediting other material, such as Physics Update.

**Major Responsibility 6:** Perform other editorial functions. This includes reviewing letters, manuscripts and article proposals, participating in staff and editorial meetings, attending

conferences, and other duties as needed.

Weight: 5%

Rating: 4.0

Score: 20.0

Jean continues to contribute regularly and insightfully to the overall editorial effort of PT.

#### REVIEWER'S COMMENTS:

Jean's multifaceted work continues to be of high caliber, whether copyediting, reporting and writing, or editing. She pitches in willingly when needed in various capacities, from proofreading and copyediting to reviewing and editing. She regularly keeps track of and covers member society elections, making that a worry-free aspect of the magazine.

She successfully trained Judy Barker to write the member society award stories for We Hear That, so that this responsibility was reduced for Jean this year (from 10% to 3%) and is now removed from her entirely. Consistent with her desires, an increased weight is placed on Physics Community (up from 42%).

There is still room for Jean to improve in two areas: delivering her copy consistently on schedule (for example, the Career Choices piece and one of her feature articles were completed after the magazine's overall deadline) and writing more Profiles (she had agreed to produce at least three in this review period, but only produced two).

We emphasize that Jean's diverse contributions to different parts of the magazine are of very high quality and are much appreciated.

Overall Rating: 4.0

Overall Score: 382.0

#### Employee's Comments:

While I agree in general with this review, there is one point over which Steve Benka and I could not reach agreement -- namely, in last year's review, I received a score of 54.0 for preparing one Career Choices column (Major Responsibility 2). This year I received the same score, despite having prepared two such columns, both of which were deemed "excellent." I would also like to point out that for half of the review period, the magazine has been on a "page diet," under which all of the editors have been instructed to restrict their output, and it is therefore unfair to penalize me for having produced less copy. I believe a higher score would have more accurately reflected my contribution to the magazine.

#### SIGNATURES:

Employee:

Date:

5/18/99

Appraiser:

Date:

5/18/99

Both the appraiser and the employee must sign and date the form. The employee's signature does not necessarily represent agreement with the review but that he/she has seen the form and participated in the performance appraisal.

H.R. Review:

Date:

5/28/99

PAGE 2

FAX

MAY-18-99 TUE 02:05 PM

D01495

AMERICAN INSTITUTE OF PHYSICS  
PAYROLL AUTHORIZATION FORM B

EMPLOYEE JEAN  
EMP. NO. 2638

KUMAGAI

DIVISION PHYSICS TODAY  
SSN: XXXXXXXXXX

REMARKS: ANNUAL REVIEW

**SALARY CHANGE INFORMATION:**

Position Title	Grade	Current Range	Effective	Next Review
ASSOC EDT LEV <u>II</u>	E07	44050.00 57900.00 71750.00	6/1/98	6/1/99

Previous Salary	Amount of Increase	New Salary	Percent Increase
50000.00	<u>6500.00</u>	<u>52,500.00</u>	<u>5%</u>

Quartile:	Amount of Previous Increase	Previous % of Increase	Overall Rating:
1	9500.00	23.46	<u>4.0 (3.82)</u>

**TITLE CHANGE INFORMATION**

From: ASSOC EDT LEV I To: \_\_\_\_\_ Effective: \_\_\_\_\_

New Grade: \_\_\_\_\_ New Range: \$ \_\_\_\_\_

**TRANSFER**

From: PHYSICS TODAY To: \_\_\_\_\_ Effective Date: \_\_\_\_\_

Steve Benka  
Recommending Party

Date: 5/12/98

cal  
Authorized Approval

Date: 5/12/98

Atterwood  
Personnel

Date: 6/22/98

MISCELLANEOUS REMARKS:

PAF Created by: JUNE;REV;JPW

D01496

**PHYSICS TODAY****PERFORMANCE REVIEW 1997-98**

June 17, 1998

Employee Name: Jean Kumagal  
Division: Physics Today Manager: Steve Benka  
Job Title: Associate Editor II Reporting to: Steve Benka  
Period: May 1997 to April 1998; Publications June 1997 to May 1998.

**Major Responsibility 1:** Identify, research, report and write stories for the Physics Community department, in consultation with the Editor and other editors. In conjunction with other members of the staff, help assemble and produce the department so as to meet deadlines.

Weight: 42% Rating: 4.0 Score: 168.0

Jean wrote 13 stories with her byline for PC in this period (including four lead stories, one of which was a major one on Taiwan's new science initiatives) and 16 unsigned stories. She also wrote 13 Briefs for the PC department. Her total output was comparable to last year, but more (six compared to two) of her stories required in-depth reporting. Jean is an excellent writer, whose prose freshens the magazine.

**Major Responsibility 2:** In consultation with the Editor and other editors, identify, research and write profile pieces, currently called Career Choices. In conjunction with other members of the staff, help assemble and produce the department so as to meet deadlines.

Weight: 18% Rating: 3.0 Score: 54.0

Jean wrote only one Career Choices piece in this review period (9/97). It was excellent. Career Choices is a well received section of the magazine, and could be expanded.

**Major Responsibility 3:** In consultation with the Editor, edit nontechnical feature articles and Opinion pieces. This includes revising text in consultation with authors, identifying and obtaining artwork and assisting with seeing the article or Opinion piece through production so as to meet deadlines.

Weight: 15% Rating: 4.0 Score: 60.0

Jean edited two Opinion pieces in this period. They both were initially boring, but Jean managed to improve them. She edited two feature articles in this period (counting as an article her decadal excerpts for May '98). She also did a Meeting Preview (for the ACA, July '97).

**Major Responsibility 4:** In consultation with the Editor and other editors, identify, research and write stories for the We Hear That department. In conjunction with other members of the staff, help assemble and produce the department so as to meet deadlines.

Weight: 10% Rating: 4.0 Score: 40.0

Jean continued her excellent work in reporting and writing the member society award stories, producing 13 of them in this 12 month period. The front matter of WHT is still largely worry-free

**Major Responsibility 5:** Copyedit Book Reviews, New Products, Washington Reports and Calendar.

Weight: 10% Rating: 4.0 Score: 40.0

Jean's copyediting remains very clean and she turns copy around quickly. For February, she helped out by copyediting the Blanpied article.

D01497

Major Responsibility 6: Perform other editorial functions. This includes reviewing letters, manuscripts and article proposals, participating in staff and editorial meetings, attending conferences, and other duties as needed.

Weight: 5%

Rating: 4.0

Score: 20.0

Jean contributes regularly and insightfully to the overall editorial effort of PT. Her participation in staff meetings is always welcome, and she provides some original ideas. She suggested several articles and opinion pieces that are being pursued. Her reviews of materials are generally well thought out, but (as with others on the staff) her turnaround time could have been quicker in a few cases.

#### REVIEWER'S COMMENTS:

As noted last year with her promotion, and at her request, Jean was given more responsibilities over the years, such as editing more feature articles, writing more personality profiles, and reporting and writing more in-depth news stories. Her work consistently meets high standards, among the highest on the staff. We hope that Jean will do more writing in the next review period; She has agreed to produce at least three in the next review period, including the 3-profile piece that appeared in the June 1998 issue.

Jean could improve in delivering her copy for the various departments consistently on schedule.

Jean is continuing to work with Judy Barker, with the goal of having Judy write all the member society awards stories (in WHT) as of the September issue, as well as copyedit Calendar. Jean has also requested that her copyediting responsibilities be eliminated.

We emphasize that Jean's diverse contributions to different parts of the magazine are of consistently high quality and are much appreciated.

Overall Rating: 4.0

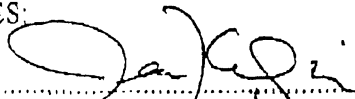
Overall Score: 382.0

#### Employee's Comments:

Much to my regret, I was forced to spend many hours defending my performance in order to complete this review. I feel there are a number of issues that still need to be resolved.

#### SIGNATURES:

Employee:



Date: 6/18/98

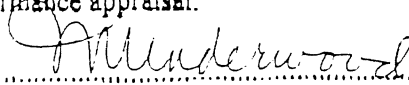
Appraiser:



Date: 6/17/98

Both the appraiser and the employee must sign and date the form. The employee's signature does not necessarily represent agreement with the review but that he/she has seen the form and participated in the performance appraisal.

H.R. Review:



Date: 6/22/98

D01498

AMERICAN INSTITUTE OF PHYSICS  
PAYROLL AUTHORIZATION FORM B

EMPLOYEE: JEAN  
EMP. NO. 2638

KUMAGAI

DIVISION: PHYSICS TODAY  
SSN: [REDACTED]

REMARKS: ANNUAL REVIEW

SALARY CHANGE INFORMATION:

Position Title	GRADE	Current Range	Effective	Next Review
ASSOC EDIT LEV	E05	34700.00 - 45250.00 - 55750.00	6/1/97	6/1/98

Previous Salary	Amount of Increase	New Salary	Percent Increase
40500.00	9500	50,000	23% { 5% Merit 8% Prom 10% Equity Adjst

Quartile: Overall Rating: 4.0

Steve Benka  
Recommending Party

cel gh  
Authorized Approval

Alice L. Robinson  
Personnel

TITLE CHANGE INFORMATION

From: ASSOC EDIT LEV To: Assoc. Editor II Effective: 6/1/97

New Grade: EX 7

New Range: \$ 42,750 - 50,210 - 69,650

x [Signature]  
Division Head

Alice Robinson  
Personnel

TRANSFER

From: PHYSICS TODAY To: \_\_\_\_\_

Effective Date: \_\_\_\_\_

\_\_\_\_\_  
Division Head

\_\_\_\_\_  
Division Head

\_\_\_\_\_  
Personnel

MISCELLANEOUS REMARKS:

D01499

JPW/PAFREVIEW

Employee Name: Jean Kumagai  
Division: Physics Today      Manager: Steve Benka  
Job Title: Editor      Reporting to: Steve Benka

Period: Personnel June 1, 1997; Performance May 1996 to April 1997; Publications June 1996 to May 1997

**Major Responsibility 1:** Identify topics, report and write stories for the Physics Community department in consultation with the Editor.

Weight: 40%      Rating: 4.0      Score: 160.0  
Jean wrote fourteen stories with her byline for PC in this period (including a major one on Japan's new science initiatives) and 15 unsigned stories, four more stories than last year. She also wrote 23 Briefs for the PC department. Jean's writing is very clear, shows insightful reporting, and is delivered on time. Her increased role in this department is reflected in an increased weight (up from 35%).

**Major Responsibility 2:** In consultation with the Editor, take responsibility for the Opinion department and edit occasional nontechnical articles. Also, review manuscripts, including letters to the editor and articles.

Weight: 22%      Rating: 4.0      Score: 80.0  
Jean edited five Opinion pieces in this period (two more than last year). Her editing is clean and she delivers these pieces ahead of the deadline. She edited five feature articles in this period, roughly four more than in any previous year. She identified one of these (de Nobel & Lindenfeld, 9/96) and saw it through to completion. Her much greater involvement with articles is reflected in the weight of this going up from 15% last year.

**Major Responsibility 3:** In consultation with the editor, identify, research, and write personal profile pieces for Career Choices.

Weight: 18%      Rating: 4.0      Score: 72.0  
Jean wrote two Career Choices profiles in this period, which were very well written and well received. She also wrote six excellent profiles for the article she edited in July 1996. Jean's writing is very good and still getting better.

**Major Responsibility 4:** Report, write and edit stories for the We Hear That department

Weight: 10%      Rating: 4.0      Score: 48.0  
Jean continued her excellent work in reporting and writing

the member society award stories, producing 10 of them in this 12 month period. This is fewer than last year, because Jean has also been instrumental in training Judy Barker to produce some of these stories. The front matter of WHT is still largely worry-free, in part because of Jean's reliability. Her somewhat reduced role in WHT is reflected in a reduced weight, down from 15%.

**Major Responsibility 5:** Copyedit some departments and feature articles as required.

Weight: 10%

Rating: 4.0

Score: 40.0

Jean copyedits Books, New Products, Washington Reports, and Calendar. Her editing remains very clean and she turns copy around quickly. She is no longer copyediting articles; the weight is reduced accordingly from 20%.

#### REVIEWER'S COMMENTS:

Jean's role has changed at Physics Today. She has taken on larger responsibilities and is handling them extremely well. These include editing more feature articles, writing more personality profiles, and reporting and writing more in-depth news stories. She sets and meets her own consistently high standards. She has shown that she works well with others, collaborating with Toni Feder to produce a top-notch Physics Community department every month, and training Judy Barker for We Hear That stories. To reflect her growth within Physics Today, and to ensure that she is equitably compensated for her contributions, I recommend that Jean be elevated from Associate Editor I to Associate Editor II.

Overall Rating: 4.0

Overall Score: 400.0

Employee's Comments: I appreciate this positive review, and I'm heartened by its recognition of my contributions. I've often wondered why I've remained among the lowest-paid associate editors, despite my increasing experience and my highly praised work. I look forward to seeing that situation change.

#### SIGNATURES:

Employee: Jean C. Barker Date: 5/13/97

Appraiser: Steve Berke Date: 5/13/97

Both the appraiser and the employee must sign and date the form. The employee's signature does not necessarily represent agreement with the review but that he/she has seen the form and participated in the performance appraisal.

H.R. Review: A. K. Brown Date: 5/21/97

William Sweet

D01502

AMERICAN INSTITUTE OF PHYSICS

Payroll Authorization Form - B - Personnel Committee Action Only

TO: PAYROLL

DATE: 02/08/93

EMPLOYEE: WILLIAM SWEET

DIVISION: PHYS TODAY

EMP NO.: 1810

OLD PAYROLL ACCOUNT: NEWS

NEW PAYROLL ACCT:

Salary Change: YES

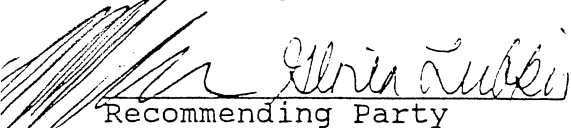
Title Change:

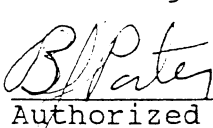
Transfer:

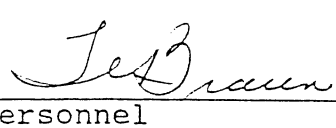
REMARKS: EXEMPT

SALARY CHANGE INFORMATION

Position Title	Grade	Current Range	Effective	Next Review
ASSOC EDT LEV II	EY07	41500 - 53100 - 64700	04/01/93	04/01/94
Previous Salary	Amount of Increase	New Salary	Percent Increase	
53150.0000	2000	55150	3.76	
Quartile: 3		Overall Rating: 3.5		

 Recommending Party

 Authorized Approval

 Personnel

TITLE CHANGE INFORMATION

From: ASSOC EDT LEV II

To:

Effective:

New Grade:

New Range:

Division Head

Personnel

TRANSFER (Division or Charges) INFORMATION

From: PHYS TODAY NEWS

To:

Effective Date:

Division Head

Division Head

Personnel

MISCELLANEOUS REMARKS:

EXEMPT

D01503

Rev. 07/90



1. Maintain current awareness of science policy, activities of science organizations and education topics in U.S. and overseas. A. Maintain current awareness on the following topics: physics policies in foreign countries, mainly Europe; developments at major physics institutions, such as laboratories and universities, international scientific organizations and exchanges; important public interests of physicists, such as arms control, human rights and the global environment; physics education; and activities of AIP and the AIP member societies. B. Cultivate and interview sources.	15%
2. Identify news and article topics suitable for coverage in PT. A. Develop leads and ideas for PC stories, other news departments and feature articles.	10%
3. Report, write and edit Physics Community department and guide copy through the production stages. A. Write stories. B. Send draft to sources for checking. C. Prepare final version, including illustrations and tables. D. Monitor revisions with copy editor and sources. E. Monitor copy through production stages.	45%
4. Take responsibility for and edit occasional non-technical feature articles. A. Take responsibility for assigned articles. This includes reviewing the article, obtaining an outside review and conveying recommended revisions to the author. B. Edit manuscript for style, clarity and content. C. Work with author to provide suitable illustrations. D. Monitor revisions with copy editor and author. E. Monitor copy through production cycle.	15%
5. Supervise a second editor in work on Physics Community. A. Assign stories in conjunction with the editor-in-chief (mainly "house news" and education news). B. Give advice as required while writing progresses. C. Check draft. D. Delegate portions of other stories.	10%
6. Support editorial effort through discussions, performing back-up for other departments, reviewing articles. A. Participate in staff discussions. B. Perform backup for other departments as necessary. C. Communicate with referees to obtain article reviews. D. Review letters to the editor and occasional articles for publication.	5%

1. Bill has a good understanding of European history, politics, research organizations and science policy, and is broadly knowledgeable about U.S and international politics. He has 20 year's experience as a political journalist. He reads widely and keeps in touch with a network of useful sources. His last trip to Europe was for one week at the end of February 1992, which included stops in London and Bonn. He should continue to take the initiative in arranging his usual annual trip to Europe, when the magazine schedule allows.	4.0
2. In selecting topics for PC, Bill takes his job seriously, and often selects news-worthy and interesting stories. Sometimes he has disagreements with the Editor. She feels that he covers industry satisfactorily, but could be more enterprising in covering education and employment. Bill accepts responsibility for letting the PC coverage of education slip in the last couple of years. A task force has been set up to deal with education, consisting of Bill, Gloria, Barbara, Jean and Irwin. Two meetings have been held at the time of this review. The Editor feels that Bill does not always follow up on the leads that she supplies with the same diligence that he follows his own. She would like to have more discussions with him about stories for PC; Bill says he is willing but finds these discussions difficult to arrange.	3.0
3. Bill has turned out some noteworthy stories for PC, including the following: U.Cal. labs and DESY ( 2 in Mar.), Germany (May), Russia (June), AT&T-Sun (July), CERN and Sandia (2 in Nov.), and Britain (Dec.). Bill is a good writer, and usually checks his stories thoroughly, with a few exceptions where things were not carefully checked. He is diligent about monitoring the progress of his copy through production.	3.5
4. Bill has edited and published two feature articles in the last twelve months, including a fine article on Iraq's secret nuclear weapons program, which he initiated and found the authors for as well. He also edited an article by Heilbron (Nov.) and an Opinion piece by Pantelides. He is now being assigned articles on a system that was newly formalized in August 1992, and will need to keep track of the progress of these articles.	3.5
5. Bill works quite closely with Jean Kumagai and the two cooperate to produce Physics Community. Bill is aware that he needs to improve his skills as a supervisor in order to help Jean improve her performance, particularly with regard to the coverage of education. Bill feels that, if there is a requirement to include a certain amount of education news in the magazine, there should be a quantitative goal, otherwise there is some doubt about how much news is enough news. The Editor feels the story ideas should be generated and then she will decide whether too many pages are being devoted to education. Bill also feels that the person assigned to cover this area should travel to find stories. He was very energetic in working toward Jean's promotion to Associate Editor, which was approved.	3.0
6. Bill is generally contributive around the office and is well liked by the staff.	3.0
Overall Rating:	3.5

Overall Rating \_\_\_\_\_

**Appraiser's Comments** - Please comment on the employee's overall performance during this appraisal period, including demonstrated strengths and weaknesses. Areas needing improvement should be specified and observed during the next appraisal period.

~~Bill needs to be thorough in the reporting stage and to avoid the temptation to decide what the~~  
story is before the investigation is complete. He should strive to write balanced, accurate and  
fair stories. Bill has been asking for some time if he can be promoted to Senior Associate  
Editor. He has the talent and he has the experience. It would be easier to promote Bill if he  
would do the following: 1) work with the Editor, Barbara, Irwin and Jean to improve PT's  
~~coverage of Education; 2) be more enterprising about generating story ideas in education and~~  
employment; 3) discuss story ideas with Editor regularly; and 4) maintain a higher level of  
supervision for his assistant in the PC department. Bill's work will be re-evaluated in early  
September on whether to promote him to Senior Associate Editor.

**Employee's Comments** - Use this space, if desired, to comment on this review.

Regarding the <sup>two</sup> opening statement<sup>s</sup> above, which ~~is~~ <sup>are</sup> gratuitous and in fact ludicrous,  
^

I do not need to be lectured on the rudiments of journalism by somebody who ignores  
them on a daily basis. The rest of the evaluation is balanced and fair, and I

appreciate the offer of a prospective promotion. But I do not think I will wish to

(after the move) !  
continue to work in a situation in which coverage of international competition and

cooperation in physics is given much less weight than coverage of the US government.

**SIGNATURES:**

Employee:

*William French*

Date:

*3/17/93*

Appraiser:

*[Signature]*

(Manager, Director or Officer)

*Gerie Lykin*  
*B. Pater*

Date:

*3/17/93*

*3/17/93*

Both the appraiser and employee must sign and date the form. The employee's signature does not necessarily represent agreement with the review, but that he/she has seen the form and participated in the performance appraisal.

H.R. Review

*AK*

Date:

*3/18/93*

D01507

## PERFORMANCE REVIEW

Employee Name: William Sweet  
Job Title: Associate Editor Level II  
Division: Physics Today Manager: Gloria Lubkin  
Reporting to: Ken McNaughton

Period: April 1992 - March 1993

Overall Rating: 3.5

Major Responsibility 1: Maintain current awareness of science policy, activities of science organizations and education topics in U.S. and overseas

Weight: 15% Rating: 4 Score: 60

## Component tasks:

1. Maintain current awareness on the following topics: physics policies in foreign countries, mainly Europe; developments at major physics institutions, such as laboratories and universities, international scientific organizations and exchanges; important public interests of physicists, such as arms control, human rights and the global environment; physics education; and activities of AIP and the AIP member societies.

2. Cultivate and interview sources

## Comments:

Bill has a good understanding of European history, politics, research organizations and science policy, and is broadly knowledgeable about U.S. and international politics. He has 20 year's experience as a political journalist. He reads widely and keeps in touch with a network of useful sources. His last trip to Europe was for one week at the end of February 1992, which included stops in London and Bonn. He should continue to take the initiative in arranging his usual annual trip to Europe, when the magazine schedule allows.

Major responsibility 2: Identify news and article topics suitable for coverage in PT

Weight: 10% Rating: 3 Score: 30

## Component tasks:

Develop leads and ideas for PC stories, other news departments and feature articles

Comments: In selecting topics for PC, Bill takes his job seriously, and often selects newsworthy and interesting stories. Sometimes he has disagreements with the Editor. She feels that he covers industry satisfactorily, but could be more enterprising in covering education and employment. Bill accepts responsibility for letting the PC coverage of education slip in the last couple of years. A task force has been set up to deal

with education, consisting of Bill, Gloria, Barbara, Jean and Irwin. One meeting has been held at the time of this review. The Editor feels that Bill does not always follow up on the leads that she supplies with the same diligence that he follows his own. She would like to have more discussions with him about stories for PC; Bill says he is willing but finds these discussions difficult to arrange.

**Major Responsibility 3: Report, write and edit Physics Community department and guide copy through the production stages**

Weight: 45%                      Rating: 3.5                      Score: 157.5

**Component tasks:**

1. Write stories
2. Send draft to sources for checking
3. Prepare final version, including illustrations and tables
4. Monitor revisions with copy editor and sources
5. Monitor copy through production stages

Comments: Bill has turned out some noteworthy stories for PC, including the following: U.Cal. labs and DESY ( 2 in Mar.), Russia (June), AT&T-Sun (July) and CERN and Sandia (2 in Nov.). Bill needs to be thorough in the reporting stage and to avoid the temptation to decide what the story is before the investigation is complete. He should strive to write balanced, accurate and fair stories. Bill is a good writer, and usually checks his stories thoroughly, with a few exceptions where things were not carefully checked. He is diligent about monitoring the progress of his copy through production.

**Major Responsibility 4: Take responsibility for and edit occasional non-technical feature articles**

Weight: 15%                      Rating: 3.5                      Score: 52.5

**Component tasks:**

1. Take responsibility for assigned articles. This includes reviewing the article, obtaining an outside review and conveying recommended revisions to the author.
2. Edit manuscript for style, clarity and content
3. Work with author to provide suitable illustrations
4. Monitor revisions with copy editor and author
5. Monitor copy through production cycle

Comments: Bill has edited and published two feature articles in the last twelve months, including a fine article on Iraq's secret nuclear weapons program, which he initiated and found the authors for as well. He also edited an article by Heilbron (Nov.) and an Opinion piece by Pantelides. He is now being assigned articles on a system that was newly formalized in August 1992, and will need to keep track of the progress of these articles.

**Major Responsibility 5: Supervise a second editor in work on Physics Community**

Weight: 10%      Rating: 3      Score: 30

**Component tasks:**

1. Assign stories in conjunction with the editor-in-chief (mainly "house news" and education news)
2. Give advice as required while writing progresses
3. Check draft
4. Delegate portions of other stories

Comments: Bill works quite closely with Jean Kumagai and the two cooperate to produce Physics Community. Bill is aware that he needs to improve his skills as a supervisor in order to help Jean improve her performance, particularly with regard to the coverage of education. Bill feels that, if there is a requirement to include a certain amount of education news in the magazine, there should be a quantitative goal, otherwise there is some doubt about how much news is enough news. The Editor feels the story ideas should be generated and then she will decide whether too many pages are being devoted to education. Bill also feels that the person assigned to cover this area should travel to find stories. He was very energetic in working toward Jean's promotion to Associate Editor, which was approved.

**Major Responsibility 6: Support editorial effort through discussions, performing back-up for other departments, reviewing articles**

Weight: 5%      Rating: 3      Score: 15

**Component tasks:**

1. Participate in staff discussions
2. Perform backup for other departments as necessary
3. Communicate with referees to obtain article reviews??
4. Review letters to the editor and occasional articles for publication

Comments: Bill is generally contributive around the office and is well liked by the staff.

**APPRAISER'S COMMENTS**

Bill has been asking for some time if he can be promoted to Senior Associate Editor. He has the talent and he has the experience. It would be easier to promote Bill if he would do the following:

1. Work with the Editor, Barbara, Irwin and Jean to improve PT's coverage of Education
2. Be more enterprising about generating story ideas in education and employment
3. Discuss story ideas with Editor regularly
4. Maintain a higher level of supervision for his assistant

*in the PC department*

D01510

## Payroll Authorization Form - B - Personnel Committee Action Only

DATE: 01/20/92

DIVISION:   PHYS TODAY

NEW PAYROLL ACCT:

Title Change:

Transfer:

REMARKS: EXEMPT

## SALARY CHANGE INFORMATION

Position Title	Grade	Current Range	Effective	Next Review
ASSOC EDT LEV II	EY07	\$40300-\$51550-\$62800	04/01/92	04/01/93
Previous Salary	Amount of Increase	New Salary	Percent Increase	
50140.0000	3010	53,150	6%	
Quartile: 2-3	Overall Rating: 3			

Recommending Party

Authorized Approval

## Personnel

TITLE CHANGE INFORMATION

From: ASSOC EDT LEV II                      To:                      Effective:

New Grade:                      New Range:

Division Head

## Personnel

### TRANSFER (Division or Charges) INFORMATION

From: PHYS TODAY NEWS To:

Effective Date:

Division Head

Division Head

## Personnel

MISCELLANEOUS REMARKS:  
EXEMPT

**D01511**

Rev. 07/90



- | Major Responsibilities   | Weight |
|--|--------|
| 1. Maintain current awareness of science policy, activities of science organizations and education topics in U.S. and overseas:<br>A. Topics: Physics policies in foreign countries, mainly Europe; developments at major physics institutions, such as laboratories, universities, international scientific organizations and exchanges; important public interests of physicists, such as arms control, human rights and the global environment; physics education; and activities of AIP and AIP member societies.<br>B. Cultivate and interview sources. | 15%    |
| 2. Identify news and article topics suitable for coverage in PT:<br>A. Develop leads and ideas for PC stories, other news departments, and feature articles.   | 10%    |
| 3. Report, write, and edit Physics Community department and guide copy through the production stages:<br>A. Write stories.<br>B. Send draft to sources for checking.<br>C. Prepare final version, including illustrations and tables.<br>D. Monitor revisions with copyeditor and sources.<br>E. Guide copy through production stages.   | 45%    |
| 4. Edit occasional non-technical feature articles:<br>A. Edit manuscript for style, clarity and content.<br>B. Work with author to provide suitable illustrations.<br>C. Monitor revisions with copyeditor and author.<br>D. Guide copy through production cycle.  | 15%    |
| 5. Supervise a second editor in work on Physics Community:<br>A. Assign stories in conjunction with the editor-in-chief, mainly "house news" and education news.<br>B. Give advice as required while writing progresses.<br>C. Check draft.<br>D. Delegate portions of other stories.  | 10%    |
| 6. Support editorial effort:<br>A. Participate in staff discussions.<br>B. Perform backup for other departments as necessary.<br>C. Review letters to the editor and occasional articles for publication.  | 5%     |

## Comments

## Rating

1A. Good. Editor would like more on education.	#1: 4.0
1B. Bill is knowledgeable about whom to interview and is good at interviewing. He has a wide range of contacts in relevant fields.	
2A. Bill constantly fills PC with interesting and relevant stories. Occasionally, on a story important to the editor he lets it slip through the cracks or ranks it less important. Regularly contributes ideas for feature articles in his fields of interest.	#2: 3.0
3A. Good. Sometimes lets personal biases color a story when more balance is required.	#3: 3.5
3B. Bill is thorough with checking his sources.	
3C. Fine.	
3D. Fine.	
3E. Good. Page proofs are sometimes created prematurely, leading to excessive iterations.	
4. Bill is a good editor on non-technical subjects.	#4: 3.5
5A. Fine.	#5: 3.0
5B. Basically fine. Some things slip through the cracks.	
5C. Bill gives Jean a lot of freedom. Sometimes he misses opportunities to correct or guide her.	
5D. Good.	
6A. Bill is contributive in staff meetings.	#6: 4.0
6B. Bill is always willing to pitch in and help when asked, and is the magazine's best surrogate for Washington Reports.	
6C. Good.	

**Appraiser's Comments** - Please comment on the employee's overall performance during this appraisal period, including demonstrated strengths and weaknesses. Areas needing improvement should be specified and observed during the next appraisal period.

Bill is a contributive and cooperative presence on the magazine

and an efficient worker. Physics Community is a well-written and

well-read department. Bill sometimes lets his emotions interfere

with his writing and presentations. With a broader involvement and

a more finely tuned sense of judgment, Bill could be an even greater

asset to the magazine.

**Employee's Comments** - Use this space, if desired, to comment on this review.

While I concede that I am sometimes too emotional, I think this underrates my

judgment a bit, and as stated this time last year, I think I deserve to be promoted

to senior associate editor. Regarding (5), supervision of the second PC editor,

I have tried hard to strictly enforce the magazine's standards--especially with

respect to editorial procedures--and at the same time to encourage Jean to make

broader and more substantial contributions to the department.

**SIGNATURES:**

Employee:

*William French*

Date:

*4/16/92*

Appraiser:

*H. Lippin*  
[Manager, Director or Officer]

Date:

*4/16/92*

*4/24*

Both the appraiser and employee must sign and date the form. The employee's signature does not necessarily represent agreement with the review, but that he/she has seen the form and participated in the performance appraisal.

H.R. Review *GR*

Date:

*4/27/92*

## Payroll Authorization Form - B - Personnel Committee Action Only

DATE: 02/01/91

DIVISION:   PHYS TODAY

EMP NO.: 1810

NEW PAYROLL ACCT:

Salary Change: YES

Title Change:

**Transfer:**

REMARKS: EXEMPT

## SALARY CHANGE INFORMATION

Position Title	Grade	Current Range	Effective	Next Review
ASSOC EDIT LEV I	EY05	\$31100-\$39500-\$47900	04/01/91	04/01/92

Previous Salary	Amount of Increase	New Salary	Percent Increase
46000.0000	4140	50,140	4(M) 5(P)

Quartile: 4      Overall Rating: 37

Gloria B. Lippin  
Recommending Party

Authorized Approval

Personnel

TITLE CHANGE INFORMATION

From: ASSOC EDIT LEV I To: Assoc Edit Lev II Effective:

New Grade: 7      New Range: 38,400 - 49,100 - 59,800

Gloria B. Lubken  
Division Head

LeBrunn  
Personnel

TRANSFER (Division or Charges) INFORMATION

From: PHYS TODAY NEWS

To:

Effective Date:

Division Head

Division Head

## Personnel

MISCELLANEOUS REMARKS:  
EXEMPT

AMERICAN INSTITUTE OF PHYSICS

EMPLOYEE PERFORMANCE REVIEW

Employee: WILLIAM W SWEET

Division: PHYS TODAY

Title: ASSOC EDIT LEV I

Supervisor: GLORIA LUBKIN

Employed: 04/23/84

Date Effective: 04/01/91

Date Due:

Please comment on the following categories:

~~PLANNING~~ (Practical solution to problems, long versus short range):

Bill is good at both long and short-range planning. But I still feel he needs to plan more for coverage of education and on the funding of research by state governments. He has done well in covering industry this year.

~~INTERACTING~~ (Ability to get ideas accepted by superiors and subordinates):

Generally effective with both superiors and subordinates. He has worked well with Jean Kumagai, with a few exceptions. They have collaborated effectively on some stories, such as Japanese industry. He has also been pretty good at getting Jean to cover education, but I'd like more of that from both of them.

~~DELEGATING~~ (Allowing others to do work, assigning work properly):

Very good. He's been effective in delegating to Jean. He needs, however, to monitor her work more, for example on the News from APS.

~~ADAPTABILITY~~ (Flexibility, ability to accept changes, work under pressure):

Under stress Bill can become very emotional and hard to deal with, but this reaction is transient. Generally he is effective in meeting deadlines, and does not react poorly to that kind of pressure. He's a flexible person.

~~RESPONSIBILITY~~ (Meeting deadlines, follow-up on detail):

Generally very good at meeting deadlines for copy and finished pages. He is responsive to suggested changes and follows up carefully on those suggestions. But in preliminary discussions on a story concept he sometimes doesn't pay sufficient attention.

~~INITIATIVE~~ (Enthusiasm, interest in work):

He's very enthusiastic about his work. He shows initiative about feature article ideas.

~~RELATIONSHIPS~~ (With superiors, coworkers, and subordinates):

Excellent

~~ATTENDANCE~~ (Punctuality and attendance):

Fair

~~POTENTIAL~~ (Promotability, expansion of responsibility):

Yes.

D01517

## COMMENTS:

~~Bill has written a fine two-part series on high-definition television~~  
~~(March, April 1991). He worked on it for two years and did reporting in Europe, the U~~  
~~and, by phone, Japan. He involved Jean Kumagai on some of the reporting and~~  
~~got some very good reporting from her. He also did a fine job of covering Germany~~  
~~(December 1990) through a trip to Dresden and substantial reporting afterward.~~  
~~His and Jean's stories on Japanese labs (Feb. 1991) were also noteworthy.~~  
He has supervised Jean well.  
In general Physics Community is an interesting, well-written part of the  
magazine, largely due to his efforts.

## POINTS DISCUSSED AT INTERVIEW:

## DOES EMPLOYEE AGREE WITH SUPERVISOR'S APPRAISAL?

Report prepared by

Gloria B. Lubkin

Date:

3/22/91

Report reviewed by

William Freed

Date:

3/22/91

Report discussed with employee by

Date:

(For Personnel Use Only)

AMERICAN INSTITUTE OF PHYSICS  
PAYROLL AUTHORIZATION FORM B

EMPLOYEE: PAUL  
EMP. NO. 4033

ELLIOTT

DIVISION: PHYSICS TODAY  
SSN: [REDACTED]

REMARKS: ANNUAL REVIEW

**SALARY CHANGE INFORMATION:**

Position Title	GRADE	Current Range	Effective	Next Review
ARTICLES EDITOR	E07	45375.00 59650.00 73900.00	4/1/99	4/1/2000
Previous Salary	Amount of Increase	New Salary	Percent Increase	
59800.00	\$1900.	\$61,700.	3.2%	
Quartile:	Amount of Previous Increase	Previous % of Increase	Overall Rating:	
3	1300.00	2.22	3.7	
			Previous Rating	
			3	

**TITLE CHANGE INFORMATION**

From: ARTICLES EDITOR To: \_\_\_\_\_ Effective Date: \_\_\_\_\_

New Grade: \_\_\_\_\_ New Range: \_\_\_\_\_

**TRANSFER**

From: PHYSICS TODAY To: \_\_\_\_\_ Effective Date: \_\_\_\_\_

**SIGNATURES**

Steve Benka

Recommending Party

Date: 3/15/99

[Signature]

Authorized Approval

Date: 3/15/99

[Signature] 3/26/99

Human Resources

**MISCELLANEOUS REMARKS:**

PAF Created by: APR:REV:SL

D01519

Graham Collins

D01520

AMERICAN INSTITUTE OF PHYSICS  
PAYROLL AUTHORIZATION FORM B

EMPLOYEE: GRAHAM  
EMP. NO. 2778

COLLINS

DIVISION: PHYSICS TODAY  
SSN: [REDACTED]

REMARKS: ANNUAL REVIEW

SALARY CHANGE INFORMATION:

Position Title	GRADE	Current Range	Effective	Next Review
ASSOC EDIT LEV	E05	34700.00 - 45250.00 - 55750.00	6/1/97	6/1/98

Previous Salary	Amount of Increase	New Salary	Percent Increase
52800.00	1000	53,900	2.1%

Quartile: Overall Rating: 3.0 (313)

<sup>4</sup>  
Steve Benke  
Recommending Party

cel js  
Authorized Approval

Alvin Roberson  
Personnel

TITLE CHANGE INFORMATION

From: ASSOC EDIT LEV To: Effective:

New Grade: New Range: \$

Division Head

Personnel

TRANSFER

From: PHYSICS TODAY To:

Effective Date:

Division Head

Division Head

Personnel

MISCELLANEOUS REMARKS:

JPW/PAFREVIEW

D01521

PERFORMANCE REVIEW

June 1996-May 1997

June 4, 1997

Name: Graham Collins

Job title: Editor

Branch/Division: Physics Programs/*Physics Today*

Reports to: Stephen Benka

Review period: June '96 through May '97 issues of *Physics Today*

**Major Responsibility 1:** Ensure the quality and maintain the editorial production schedule of *Physics Today*.

Weight: 19%

Rating: 2.5

Score: 47.5

Graham was given this major responsibility following his 1995 performance review.

Having had no formal management training, Graham found this added responsibility very stressful and relinquished it in October 1997. His five months tenure during this review period is reflected in the reduced weight (down from 45% last year). The weight is now zero.

**Major Responsibility 2:** Edit feature articles and write Search stories.

Weight: 51%

Rating: 3.0

Score: 153.0

In this review period, Graham edited 5 articles (3 Goncharov articles 11/96; Kane 2/97; Witten 5/97) and wrote 3 Search stories (BEC results 8/96; Quantum black holes & D-branes 3/97). Graham is an excellent editor and writes first-rate, highly acclaimed Search stories. He needs to complete his work, especially Search stories, sooner. He initiated the Witten article, and acquitted himself wonderfully on the very difficult March '97 Search stories. Editing feature articles and writing Search stories are now Graham's main responsibilities with *Physics Today*; the weight is accordingly increased from 25%, reflecting the partial year change. He needs to increase his productivity in these areas, and is expected to produce at least 14 articles and Search stories in the next review period, for which the weight will be 70%.

**Major Responsibility 3:** Perform other editorial duties.

Weight: 15%

Rating: 3.5

Score: 52.5

Graham initiated the Web Watch feature in the February 1997 Physics Community department; since then he has produced it regularly and on time. Graham reviews articles, letters and other editorial matter as requested, and provides very insightful comments and evaluations, which are greatly appreciated. He identifies some potential articles and stories for PT, but needs, more consistently, to take the next steps of evaluating them with experts and making recommendations. He continues to supervise production of the electronic Calendar and was instrumental in bringing it back into PT's pages. He also coordinates PT's annual index, which, for 1996, was remarkably error-free.

**Major Responsibility 4:** Enhance PT's use of information technologies.

Weight: 15%

Rating: 4.0

Score: 60

Graham does a fine job with this aspect of his job. He continues to maintain and develop PT's home page on the World Wide Web and enhance PT's ability to accept and use various electronic file formats, both text and graphics. He provides valuable input on identifying and making use of appropriate software and hardware, and is an excellent troubleshooter of computer-related problems.

**Appraiser's Comments:** Graham underwent a major change during the past 12 months; he stepped aside from his managerial role, which was adversely affecting his health, and gradually returned to his role as an editor and writer. The entire staff supports him in this courageous decision. He continues to be an excellent line editor, an insightful reporter, and a talented writer. In order to fully exploit those strengths for *Physics Today*, he now needs to concentrate on his productivity, and continue to improve the timeliness with which he turns material around, whether articles, Search stories, reviews, or completed proposals of his own. We look forward to reinvigorated contributions from Graham in the coming year.

**Overall rating:** 3.0

**Overall Score:** 313.0

**Employee's Comments:**

Re Major responsibility 1 (1995-97): The workload involved in the detailed assigned duties of this responsibility combined with my other responsibilities turned out to be far in excess of a full-time workload. As noted, I was given no formal training in managerial skills that the position turned out to require. These problems were compounded by the extremely bureaucratic culture and poor interdepartmental communications present in a number of AIP departments whose cooperation I needed to try to do my job efficiently. Finally, I had (and have) the strong impression that the upper levels of AIP has very little understanding of the stresses being encountered by Physics Today staff. These factors contributed greatly in making what was already a tough job frustrating, unrewarding, and demoralizing.

I am still recovering from the damage to my health caused by my job in the past 2 years.

**SIGNATURES:**

Employee: C. P. G. Date: 6/12/97

Appraiser: Steve Bender Date: 6/12/97

Both the appraiser and the employee must sign and date the form. The employee's signature does not necessarily represent agreement with the review but that he/she has seen the form and participated in the performance appraisal.

H.R. Review: Alvin Robert Date: 6/23/97

AMERICAN INSTITUTE OF PHYSICS  
PAYROLL AUTHORIZATION FORM B

EMPLOYEE: GRAHAM  
EMP. NO. 2778

COLLINS

DIVISION: PHYSICS TODAY  
SSN: [REDACTED]

REMARKS: ANNUAL REVIEW

SALARY CHANGE INFORMATION:

Position Title	GRADE	Current Range	Effective	Next Review
ASSOC EDIT LEV	E05	33700.00 - 43950.00 - 54150.00	6/1/96	6/1/97

Previous Salary	Amount of Increase	New Salary	Percent Increase
51200.00		52,700.00	3.1%

Quartile: 4 Overall Rating: 4.0

Steve Benke  
Recommending Party

ch  
Authorized Approval

Alvin Robinson  
Personnel

TITLE CHANGE INFORMATION

From: ASSOC EDIT LEV To: \_\_\_\_\_ Effective: \_\_\_\_\_

New Grade: \_\_\_\_\_ New Range: \$ \_\_\_\_\_

\_\_\_\_\_  
Division Head

\_\_\_\_\_  
Personnel

TRANSFER

From: PHYSICS TODAY To: \_\_\_\_\_

Effective Date: \_\_\_\_\_

\_\_\_\_\_  
Division Head

\_\_\_\_\_  
Division Head

\_\_\_\_\_  
Personnel

MISCELLANEOUS REMARKS:

**Appraiser's Comments:** Graham continues to be, perhaps, the finest line editor on the staff, with the highest professional standards for editing, writing, and proofreading. In addition, he has taken on many managerial duties and, for the most part, has risen to the challenge. His managerial skills have developed over the course of this review period, but the stresses he experiences sometimes take their toll and have affected his health. He needs to deal better with difficult situations. He also needs to strike a better balance between his quest for perfection and the need for efficiency. I have great confidence in his ability to continue to grow in this position.

Any salary adjustment is retroactive to the beginning of the new review period, June 1, 1996.

**Overall rating: 4.0**

**Overall Score: 385**

Employee's

Comments:.....  
.....  
.....  
.....  
.....

**SIGNATURES:**

Employee: Graham Date: 6/14/96

Appraiser: Steve Binka Date: 6/14/96

Both the appraiser and the employee must sign and date the form. The employee's signature does not necessarily represent agreement with the review but that he/she has seen the form and participated in the performance appraisal.

H.R. Review: Bob Robinson Date: 6/14/96

AMERICAN INSTITUTE OF PHYSICS  
PAYROLL AUTHORIZATION FORM B

EMPLOYEE: GRAHAM COLLINS

DIVISION: PHYSICS TODAY

EMP. NO. 2778

SSN: [REDACTED]

REMARKS: ANNUAL REVIEW

SALARY CHANGE INFORMATION:

Position Title	GRADE	Current Range	Effective	Next Review
ASSOC EDIT LEV I	E05	33700.00 - 43950.00 - 54150.00	06/01/95	06/01/96

Previous Salary	Amount of Increase	New Salary	Percent Increase
42000.00	9,200 (INCREASE RESP)	51,200	21.9%

Quartile:  
2

Overall Rating: 4.5

6% 711  
15.4% IR

Steve Berka  
Recommending Party

<sup>ASR</sup>  
John S. Riegler  
Authorized Approval

Alvin Robin  
Personnel

TITLE CHANGE INFORMATION

From: ASSOC EDIT LEV To: Effective:

New Grade:

New Range: \$

Division Head

Personnel

TRANSFER

From: PHYSICS TODAY To:

Effective Date:

Division Head

Division Head

Personnel

MISCELLANEOUS REMARKS:

D01526

## PERFORMANCE REVIEW

Employee Name:  
Division: Physics Today  
Job title: Editor

Graham Collins  
Manager: Stephen Benka  
Reporting to: Stephen Benka

PERIOD: June 1994-May 1995

**Major Responsibility 1:** Edit feature articles in conjunction with authors.

Weight: 35%

Component tasks:

1. Edit manuscript for style, clarity and content
2. Consult with author
3. Obtain suitable illustrations
4. Prepare final version, including comments from copy editor, overseer and author
5. Guide copy through layout, paste-up and blueines

In these 12 months Graham edited 7 feature articles, one more than the previous year. He did a little work on two other articles (Marrs, Bustamante) before they were transferred to another editor. There was some praise from the community for one (Ruelle) and the authors for two others (Thompson, Armstrong) expressed great pleasure, not only in the final result, but also in working with Graham. As PT was brought onto a strict production schedule, Graham usually met his deadlines. Though his quest for perfection sometimes had him lagging behind a bit, his articles did not hold up magazine production. Graham could try to complete his articles farther in advance. Rating: 4.5

**Major Responsibility 2:** Report and write stories for the Search and Discovery department

Weight: 30%

Component tasks:

1. Consult with experts
2. Read relevant materials
3. Write story
4. Obtain suitable illustrations
5. Incorporate comments from copy editor, overseer and sources
6. Guide copy through layout, paste-up and blueines

Graham published four Search stories in this period, one more than the previous year. Two were straightforward. One (discovery of element 110) was assigned at very short notice, and he produced it on time for the January 1995 issue. The fourth (mathematical manifolds) is highly acclaimed in the community. This reviewer himself heard the article referred to twice during scientific talks at Cornell. Graham continues to learn the material for his stories deeply and express it clearly. However, he still needs to work more quickly on them; they should be finished prior to the final closing date, not on it. Rating: 4.0

**Major Responsibility 3:** Take responsibility for assigned articles

Weight: 10%

Component tasks:

1. Contact authors to obtain outline of article
2. Contact referees suggested by Editor; obtain outside review of outline
3. Convey review of outline to authors
4. Obtain manuscript from authors
5. Review manuscript
6. Obtain outside review of manuscript
7. Convey referee's and PT's comments to author for revisions if necessary.
8. Obtain revised manuscript

Graham continues his diligence regarding his responsibilities for a stable of about five assigned articles. Rating: 3.5

**Major Responsibility 4:** Produce the Calendar department

Weight: 10%

Component tasks:

1. Review possible entries for Calendar in alternate issues
2. Judge suitability of entries for readers
3. Oversee production of department, signing off when it is ready for the printer

Graham has maintained a trouble-free Calendar department for PT. When this dept. was removed from PT's pages in January 1995, his work load was not lessened much because he still maintains and updates the electronic version on a bimonthly basis. Rating: 4.5

**Major Responsibility 5:** Produce the annual index.

Weight: 6%

Component task:

1. Assemble, categorize and cross-check all material for the annual calendar.
2. Supervise keyboarding and proofreading.
3. Complete index production for the December issue.

Graham used, for the first time, the system he had developed for producing the index. The work was spread over many months and went fairly smoothly. Even so, the final crunch was worse than expected, largely due to Graham's also editing a feature article for December -- a big load. Rating: 4.0

Major Responsibility 6: Review feature articles and letters to the Editor

Weight: 5%

Component tasks: Read submitted manuscripts at request of the editor and submit a review with regard to the suitability of the manuscript for publication. These manuscripts include feature articles, letters to the editor and opinion pieces. Rating: 4.0

Graham provides his reviews promptly, generally within two days for letters and a week for articles. His reviews are thoughtful; they show good insight and critical judgement. Rating: 4.0

Major Responsibility 7: Consult with editors on electronic technology questions.

Weight: 4%

Graham initiated and maintains (monthly) PT's presence on the world wide web. He has joined the Physics Programs Web Committee. He has written some macros for the Buyers Guide, saving Judy and Ray much work. Graham provides continuing, indispensable assistance in electronic matters, ranging from finding and obtaining world-wide-web material to testing new software.

Rating: 5.0

OVERALL RATING: 4.5

*A. P. G.*  
Inpt.

*Steve Benka*  
Appraiser

*cel*  
Appr. Mgr.

*AR 5/22/95*

PERFORMANCE REVIEW

June 1995-May 1996

June 14, 1996

Name: Graham Collins

Job title: Editor

Branch/Division: Physics Programs/*Physics Today*

Reports to: Stephen Benka

**Major Responsibility 1:** Ensure the quality and maintain the editorial production schedule of *Physics Today*.

Weight: 45%

Rating: 3.5

Score: 157.5

Graham was given this major responsibility following his last performance review and, for the most part, has handled it well. Thanks largely to his efforts, the magazine continues to come out on time and the "closing crunch" is becoming a thing of the past. His proofing of pages is excellent as is his oversight editing (when required). In his quest for perfection in the magazine, he sometimes does the work of others rather than delegating appropriately; he needs to improve on this.

**Major Responsibility 2:** Edit feature articles and write stories.

Weight: 25%

Rating: 4.0

Score: 100.0

In this review period, Graham edited 4 articles (Bennett 10/95; Gross 12/95; Jackiw 2/96; Witten 4/96) wrote 3 Search stories (Quantum chaos 6/95; BEC 8/95 & 3/96) and one Physics Update (12/95). He is an excellent editor and writes first-rate, highly acclaimed Search stories. He initiated the Bennett and Witten articles, and saw them through. He has a tendency to defer his editing and writing and needs to better meet his own schedules for material.

**Major Responsibility 3:** Enhance PT's use of information technologies.

Weight: 15%

Rating: 4.0

Score: 60

Graham continues to maintain and develop PT's home page on the World Wide Web and enhance PT's ability to accept and use various electronic file formats, both text and graphics. He has not had time to pursue newer technologies, such as a list server for Calendar distribution and an electronic index for in-house needs.

**Major Responsibility 4:** Perform other editorial functions.

Weight: 15%

Rating: 4.5

Score: 67.5

Graham has done an excellent job coordinating regular staff meetings and handling many of the routine requests that come to the editor's office (such as billing and staff vacation requests). He insightfully identifies and evaluates potential articles and stories for PT, and reviews articles, letters and other editorial matter as requested. He continues to supervise production of the electronic Calendar, PT's annual index and a PT house style guide.

D01530

APPRAISER'S COMMENTS:

Graham has proven to be a very valuable member of the *Physics Today* team. When faced with an increased work load, he met the challenge and exceeded expectations. He produced more articles and more Search stories than in the past, while continuing to perform his other duties at a very high level, and taking on additional responsibilities -- notably with PT's presence on the internet. He has effectively supervised others in the production of the index. Graham continues to go the extra mile when asked, and often when not asked.

JACKSON LEWIS SCHNITZLER & KRUPMAN

1000 WOODBURY ROAD • SUITE 402 • WOODBURY, NEW YORK 11797  
(516) 364-0404

FAX 1 (516) 364-0466

FAX 2 (516) 364-0488

MODEM (516) 364-0499

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WHITE PLAINS, NY

February 2, 2001

Mr. William Welch  
Executive Director  
The Prince George's County Government  
Human Relations Commission  
1400 McCormick Drive  
Largo, Maryland 20744

Re: Jeff Schmidt v. American Institute of Physics  
Charge No. RF00-1135

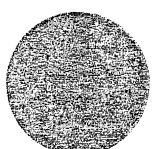
Dear Mr. Welch:

As counsel for American Institute of Physics ("AIP" or "Respondent"), we are responding to the allegations contained in Jeff Schmidt's ("Charging Party") administrative charge of retaliation. In his spurious and factually inaccurate charge, Charging Party, a former senior associate editor at *Physics Today* ("PT"), a magazine published by AIP, alleges that Respondent retaliated against him long after he complained about PT's hiring process by giving him a poor performance review in 1999, and terminating his employment in May, 2000. Charging Party's allegations are factually inaccurate, spurious and meritless. For the reasons set forth herein, his charge of retaliation should be dismissed for lack of probable cause.

There is no evidence of retaliation. Contrary to Charging Party's allegations, Respondent did not take any adverse action because Mr. Schmidt criticized PT's hiring process in 1997. For several years prior to his discharge, Charging Party consistently was counseled because he failed or refused to meet Respondent's productivity standards. In late May 2000, Respondent learned that Charging Party recently published a book announcing that it was written on "stolen time." In the book's Introduction section, Charging Party unequivocally admitted to writing it during work hours. See Exhibit A. In pertinent part, Charging Party himself wrote, in the **Introduction** to his book that:

- "This book is stolen"

D01532



- “Written in part on stolen time...”
- “So I began spending some office time on my own work....”

After Charging Party admittedly used Respondent's time to write the book, rather than striving to meet Respondent's productivity standards, his employment was terminated.

## **I. BACKGROUND**

### **A. American Institute of Physics**

The American Institute of Physics is a not-for-profit membership corporation, chartered in 1931, for the purpose of promoting the advancement of the knowledge of physics. Its members are comprised of leading societies in the fields of physics and related sciences. AIP publishes scientific journals, including the magazine *Physics Today*. AIP is an equal opportunity employer that maintains a bona fide affirmative action plan that has been approved repeatedly during governmental audits. See Exhibit B.

#### **1. Physics Today**

*Physics Today* (“PT”) is a scientific magazine which solicits feature articles from experts in the field of physics. After an article is drafted, the draft is critically reviewed by PT's editorial staff. Thereafter, the article is sent to an outside expert for peer review. After peer review is completed, a PT staff editor develops a strategy for the author to make revisions. After the author revises the article, the article, which now is in its “ready to edit” stage, is returned to PT for editing by a staff editor.

### **B. Overview of Charging Party's Employment With Respondent**

Charging Party worked for PT as an Associate Editor, then as a Senior Associate Editor. Stephen Benka, PT's Editor, was Charging Party's direct supervisor from in or around September 1994 until Charging Party's discharge. As an Associate Editor/Senior Associate Editor, Charging Party was responsible for editing a specified number of feature articles per year (“productivity goals”). His responsibilities included working on both “ready to edit” articles and those which are not yet in the “ready to edit” stage.

In 1997, over two and one half years prior to his discharge (not in August 1999 as Charging Party now claims), Charging Party raised concerns about Respondent's alleged failure to make efforts to recruit minority professionals for a particular PT associate editor position. Respondent, including Marc Brodsky (AIP's Executive Director/CEO), investigated Charging Party's concerns and found them to be baseless. Mr. Brodsky met with Charging Party several times,

in 1998, to relay the findings of his investigation, and to reiterate Respondent's commitment to diversity and equal employment opportunity.

**II. CHARGING PARTY'S EMPLOYMENT WAS TERMINATED FOR LEGITIMATE BUSINESS REASONS**

Charging Party claims that he was given a negative performance evaluation on August 17, 1999, and that he was discharged in May 2000, because of his alleged August 17, 1999 complaint that Respondent was not "following their Affirmative Action Program to hire Black employees in professional positions." This claim is baseless and misrepresents when Charging Party raised this issue. Charging Party's criticism (which was stated in 1997) did not factor into Respondent's decision to discharge Mr. Schmidt. Rather, for several years prior to his discharge, Charging Party failed or refused to meet productivity goals. He also was resistant, at times, to assuming responsibility for articles prior to the "ready to edit" stage. Accordingly, when Respondent learned, in late May 2000, that Charging Party admitted to using work time to write a non-work related book, rather than using Respondent's time to achieve his productivity goals, his employment was terminated.

**A. Charging Party Had A Long History Of Failing To Meet Respondent's Expectations**

**1. Charging Party Failed To Meet His Productivity Goals In 1995 and 1997**

On or about February 15, 1995, Charging Party acknowledged receipt of his performance evaluation covering February 1994 through January 1995. See Exhibit C. The evaluation, which was completed by Mr. Benka, gave Charging Party an overall rating of "3" (out of a possible "5"). This mediocre rating was due, in part, to the fact that Charging Party had not achieved his quota of editing sixteen articles during the review period. The performance evaluation specifically criticized Charging Party's substandard productivity in his principal function of editing feature articles. Id. at p.2.<sup>1</sup> The evaluation also reflects that Charging Party explicitly was told that he "must aim to edit a minimum of 16 articles published April 1995 to March 1996 [the next review period]." See Exhibit C at p.2. Charging Party signed this review without protest.

---

<sup>1</sup> It was noted that "His productivity on his main function of editing feature articles is below capacity." Id.

Despite this counseling, Charging Party again failed to meet his productivity goals for the review period ending in March 1997 (February 1996 through January 1997).<sup>2</sup> See Exhibit D. Charging Party only edited 15 articles — not the minimum of 16 articles that were expected of him. At the time of his performance review, Charging Party was instructed that, like his coworkers, he was required to edit 18 articles during the next review period.<sup>3</sup> Charging Party failed to do so.

2. Charging Party Failed to Meet His Productivity Goals During The 1997 Review Period

In mid 1997, Charging Party requested an extended leave of absence for the birth of his daughter. Respondent agreed to that request. To ensure that Charging Party would be able to meet his annual productivity goal, Mr. Benka reduced the number of articles Charging Party was expected to edit from 18 to 15. Charging Party ultimately decided not to take a leave of absence between 1997 and 1998. Since Charging Party did not take an extended leave time, Respondent expected that Charging Party meet his original goal of editing 18 articles. Charging Party did not do so. Rather, during the 1997 review period (March 1997 through February 1998) and in direct contravention of his previous review and counseling, Charging Party edited only 15 articles. See Exhibit E. His work also was flawed, as noted in the review. Id.

Based, in part, on his lack of productivity, Charging Party received an overall "3" rating on his performance evaluation. Id. At the time Charging Party received this performance evaluation, Mr. Benka specifically informed Charging Party that he was expected to edit 18 articles for publication before his next review.<sup>4</sup> See Exhibit E. Charging Party attempted to justify his failure to meet his productivity goals on the grounds that the goal (i.e., editing 18 articles per year) was unattainable and unfair.

---

<sup>2</sup> Charging Party did meet his productivity goal in the 1995-96 review period.

<sup>3</sup> At this time, similarly situated PT staff editors were required to edit 18 articles (or the equivalent thereof) per year.

<sup>4</sup> Charging Party appealed this performance evaluation to Theresa Braun, Respondent's Director of Human Resources, and Jim Stith, Respondent's Director of Physics Programs. After investigating Charging Party's concerns, Dr. Stith who is African-American, found no sufficient reason to justify any change to the performance evaluation.

3. Charging Party Was Resistant To Assuming Responsibility For Pre-  
"Ready to Edit" Articles

Throughout his employment, Charging Party, at times, was resistant to accepting more responsibility for pre- "ready to edit" articles. Since at least 1996, Mr. Benka repeatedly had requested that Charging Party take more responsibility for pre- "ready to edit" articles. Although taking responsibility for pre- "ready to edit" articles was one of Charging Party's job duties, Charging Party, at times, was resistant to doing so.<sup>5</sup>

4. Charging Party Again Failed To Meet His Productivity Goal For The  
1998-1999 Review Period

Throughout 1998, Mr. Benka repeatedly reminded Charging Party that he was required to edit 18 articles. Charging Party was reminded of this obligation in October 1998, when he requested a six-month sabbatical. See Exhibit G. Mr. Benka again reminded Charging Party of his responsibility to meet his productivity goals when he returned from sabbatical in June 1999.

Despite Respondent's explicit admonishments, Charging Party, once again, failed to meet Respondent's performance expectations.<sup>6</sup> Instead of editing 18 articles over a twelve-month period, Charging Party edited only 13.5 articles--well below Respondent's well enunciated standards.<sup>7</sup> See Exhibit H. Based upon his deficient productivity, in addition to other performance

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<sup>5</sup> At or around the time Charging Party declined to take a paternity leave, Charging Party asked Mr. Benka for work. However, Charging Party requested that Mr. Benka assign only articles that were in the "ready to edit" stage. In response, Mr. Benka reminded Charging Party that a) earlier in the year, he had sought to assign Charging Party several "ready to edit" articles; b) Charging Party had declined to take any new articles so the "ready to edit" articles were assigned to other editors; and, c) there were plenty of articles in the pre- "ready to edit" stage upon which Charging Party could work. See Exhibit F. Charging Party declined to accept any of the not yet "ready to edit" articles.

<sup>6</sup> Charging Party's sabbatical ran from mid-December 1998 through mid-June 1999. As a result of his absence, Charging Party's performance evaluation was postponed from March 1999 until August 1999. This ensured that the performance evaluation reviewed Charging Party's work for a twelve-month period — i.e., March through November 1998 (nine months) and June through August 1999 (three months).

<sup>7</sup> Charging Party protested Respondent's calculation that he only edited 13.5 articles during the review period. He claimed that a) the work he did on PT's 50th anniversary issue should have counted as two articles; and, b) two articles counted towards his 1997 performance goal  
(continued...)

issues<sup>8</sup>, Charging Party initially received an overall rating of 2.8 on his August 17, 1999 performance evaluation. *Id.* After Charging Party protested the rating (without asserting that the rating was retaliatory), Mr. Benka increased the rating to an overall "3." (Charging Party's memorandum regarding this review and his supervisor's reply are incorporated as part of Exhibit H.)

Without protest, Charging Party had received an overall rating of "3" on a prior performance evaluation. *See* Exhibit C. Charging Party does not claim that the prior evaluation was retaliatory. This certainly rebuts his claim that the same rating he received on his August 1999 evaluation was retaliatory.

**B. Respondent Terminated Charging Party's Employment on May 31, 2000, After Learning That Charging Party Admittedly Wrote A Book On Paid Work Time — Rather Than Working Towards Achieving His Performance Goals**

In or around May 2000, Charging Party published a non-work related book. He never sought approval to write the book on work time or advised AIP that he was doing so. In the book's introductory section, Charging Party admitted to writing the book on his employer's time. He explicitly states that "This book is stolen. Written in part on stolen time." *See* Exhibit A. Charging Party's admission seriously concerned Respondent because, *inter alia*, of Charging Party's long standing productivity problems and his resistance, at times, to assuming more responsibility for pre- "ready to edit" work. Charging Party's admission, in the book's introduction, created a strong inference that the reason Mr. Schmidt was unable or unwilling to do his work was because he was engaging in personal, non-PT related activities during work time, *i.e.*, working on his book.

Charging Party's 1997 complaint that PT's hiring process unfairly excluded minorities was not a factor in this decision. Indeed, Dr. Jim Stith (Respondent's Director of Physics Programs), who is African-American, was involved in the decision to discharge Charging Party. Moreover, by announcing to all that he had "stolen" work time for this personal pursuit, Charging Party placed AIP in an untenable position.

---

<sup>7</sup>(...continued)

also should be counted in 1998. Respondent explained to him that his work on the anniversary issue was not counted towards his productivity goal because he had been removed from working on PT's anniversary issue due to his failure to produce the appropriate material.

<sup>8</sup> Charging Party's performance evaluation noted other deficiencies in his performance, including his failure to make an appropriate contribution to PT's anniversary issue.

In the event that Charging Party asserts that he was lying about having written the book on Respondent's time, he would lack credibility as an editor (whose integrity must be unquestioned). Further, by proclaiming publicly that he had "stolen work time," he forced AIP to address its employee's malfeasance. An employer unquestionably can consider its image in deciding whether to discharge a worker who brazenly announces his theft of work time.

**III. CHARGING PARTY CANNOT ESTABLISH THAT RESPONDENT TERMINATED HIS EMPLOYMENT IN RETALIATION FOR HIS EXPRESSION OF CONCERN ABOUT THE HIRING OF AFRICAN-AMERICAN EDITORS**

Charging Party's claim that Respondent retaliated against him because he raised concerns about PT's hiring process with respect to African-American editors is spurious and baseless. Charging Party also appears to claim that Respondent retaliated against him by banning private conversations with his co-workers. Respondent never did so. Even if it did, avoiding disruption at work or preventing the use of work time for non-work activities does not constitute retaliation.

To establish a claim of retaliatory discharge, Charging Party must establish 1) that he engaged in protected activity; 2) adverse action was taken against him, and, 3) a causal connection exists between the protected activity and discharge. See, e.g., Ross v. Communications Satellite Corp., 759 F.2d 355, 365 (4th Cir. 1985). Charging Party cannot establish any causal connection between his complaints and his performance evaluation rating in August 1999 or the May 2000 discharge. Over two and one-half years passed between Charging Party's discussions with Marc Brodsky about PT's hiring process and Charging Party's discharge. During these two and one-half years, Respondent afforded Charging Party favorable treatment. It allowed him to take a six-month sabbatical in 1998-1999. Respondent also consented to his request to change his employment status from full-time to part-time.

**A. Charging Party's Raised Concerns About PT's Hiring Process For African-American Editors In 1997, Not In August 1999**

In or around October 1997, Charging Party expressed his opinion that PT did not make sufficient effort to hire a minority for an open editor position in June 1997, and, thus, was not complying with its affirmative action plan.<sup>9</sup> Marc Brodsky investigated Charging Party's concerns. He found that PT had made significant efforts to recruit minority candidates for the associate editor position (a position which required a Ph.D. in physics). However, the number of minorities holding

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<sup>9</sup> Respondent maintains an Affirmative Action Plan in compliance with Executive Order 11246. Significantly, Respondent has been awarded "letters of compliance" following audits conducted by Office of Federal Contract Compliance Programs. See Exhibit I.

a Ph.D. in physics is extremely limited. Indeed, during the twenty-five year period between 1973 and 1998, out of the 25,000 Ph.Ds conferred in physics, only 226 African-Americans, and 389 Hispanics, earned a Ph.D. in physics. See Exhibit J.

Mr. Brodsky also reviewed PT's actual hiring process. He found that a) PT's editorial staff, including Charging Party, participated in reviewing and ranking applicants' resumes based on their qualifications; b) after ranking the applicants, the top five were given an editing test; c) PT's editorial staff reviewed the tests, but were not made aware of which test belonged to any particular candidate;<sup>10</sup> and, d) of the five candidates, the most qualified was chosen.

After reviewing the hiring process, Mr. Brodsky met with Charging Party, in or around March 1998, to respond to his concerns. Mr. Brodsky assured Charging Party that PT's hiring process for editor positions was fair and did not unfairly affect any candidate. He also reiterated Respondent's commitment to diversity, to its Affirmative Action Plan and to equal opportunity employment.

Respondent is unaware of any complaint made by Charging Party about diversity, PT's hiring or recruitment process or Respondent's Affirmative Action plan after the 1998 discussion between Charging Party and Mr. Brodsky. Charging Party did not complain about PT's hiring processes or implementation of its Affirmative Action plan in August 1999. Accordingly, the fact that over two years passed between Charging Party's complaint and his discharge negates any inference that his employment was terminated because of any expression of concern.

**B. Charging Party Was Afforded Favorable Treatment After He Raised Concerns About PT's Hiring Process**

Also rebutting any inference of retaliatory animus is the fact that Respondent treated Charging Party favorably between his October 1997 complaint and his discharge. Respondent accommodated Charging Party's request for a six-month sabbatical. No other PT staff member has ever been granted a similar privilege. Further, in or around August 1999, Respondent allowed Charging Party to change his employment status from full-time to part-time. These intervening positive employment actions, between Charging Party's allegedly protected activity (complaints in October 1997) and the alleged retaliatory behavior in 1999 and 2000, are inconsistent with a finding of retaliatory animus.

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<sup>10</sup> Significantly, Charging Party chose not to participate in the blind review of these tests.

IV. CHARGING PARTY'S UNSUBSTANTIATED "BELIEF" THAT HE WAS RETALIATED AGAINST BECAUSE HE EXPRESSED CONCERN ABOUT THE HIRING OF AFRICAN-AMERICAN EDITORS DOES NOT, AS A MATTER OF LAW, STATE A CLAIM

Charging Party expresses his self-serving perception that "I believe I was treated in this manner in retaliation for my complaints of disparate treatment of employees (Black) not being hired in professional positions." This allegation is insufficient, as a matter of law, to support a claim of discrimination. There is no direct or objective evidence of retaliatory animus. Charging Party offers no evidence that he was subjected to any derogatory comments about his complaints. There is no evidence that Charging Party's discussion with Dr. Brodsky was raised or addressed again at any time. Respondent, which is committed to equal opportunity employment, promptly investigated Charging Party's concern. Further, as set forth above, he was treated favorably after raising concerns about PT's hiring process.

Charging Party's baseless, subjective speculations, without more, are insufficient to establish that any of Respondent's actions occurred under circumstances giving rise to an inference of retaliation. Indeed, "[i]t is more than well-settled that an employee's subjective belief that he suffered an adverse employment action as a result of [retaliation], is not enough [to support a claim of retaliation]." Douglas v. United Service Auto Ass'n, 79 F.3d 1415 (5th Cir. 1996). "[W]hile [Charging Party is] understandably unhappy that he was terminated, his subjective beliefs that he was [retaliated] against are insufficient to support his [retaliation] claims." Coleman v. Prudential Relocation, 1997 WL 533509 \*15 (W.D.N.Y. 1997) (terminated employees failed to establish discrimination where they offered no specific evidence to support their subjective belief that they were terminated because of their age); Rodriguez v. International Business Machines, 960 F. Supp. 227 (N.D.Cal 1997) ("[Charging Party's] subjective belief that [Respondent's] actions were discriminatorily motivated simply is not sufficient to withstand summary judgment").

V. RESPONSE TO THE COMMISSION'S REQUEST FOR INFORMATION

1. American Institute of Physics, One Physics Ellipse, College Park, Md., 20740.
2. See Sections I through IV, above.
3. See, inter alia, Exhibit B.
4. See Exhibits B and K.
5. Stephen Benka, Editor of PT, was Charging Party's direct supervisor. See Section I(B), above. Mr. Benka's address is American Institute of Physics, One Physics Ellipse, College Park, Md., 20740. He can be contacted solely through counsel.

D01540

6. Elliot Plotkin, One Physics Ellipse, College Park, MD, 20740, 301-209-3049, Art & Production Director; Bertram Schwarzschild, One Physics Ellipse, College Park, MD, 20740, 301-209-3053, Sr. Associate Editor; Warren Kornberg, One Physics Ellipse, College Park, MD, 20740, 301-209-3038, Associate Editor I; Gloria Lubkin, One Physics Ellipse, College Park, MD, 20740, 301-209-3050, Editor At Large; Judith Barker, One Physics Ellipse, College Park, MD, 20740, 301-209-3046, Senior Assistant Editor; Charles Day, One Physics Ellipse, College Park, MD, 20740, 301-209-3036, Senior Associate Editor; Barbara Levi, One Physics Ellipse, College Park, MD, 20740, 805-965-3483, Senior Editor; Tonya Gary, One Physics Ellipse, College Park, MD, 20740, 301-209-3042, Administrative Secretary; Toni Feder, One Physics Ellipse, College Park, MD, 20740, 919-688-6257, Associate Editor I; Donald Price, One Physics Ellipse, College Park, MD, 20740, Assistant Art Editor; Richard Fitzgerald, One Physics Ellipse, College Park, MD, 20740, 301-209-3052, Associate Editor II; Peter Pulsifer, One Physics Ellipse, College Park, MD, 20740, 301-209-3072, Articles Editor; Marian Smith, One Physics Ellipse, College Park, MD, 20740, 301-209-3016, Senior Secretary; Martha Hanna, One Physics Ellipse, College Park, MD, 20740, 301-209-3041; Laurel Rumpl, One Physics Ellipse, College Park, MD, 20740, 301-209-3361, Copy Editor; Lynley Hargreaves, One Physics Ellipse, College Park, MD, 20740, 301-209-3362, Assistant Online; James Dawson, One Physics Ellipse, College Park, MD, 20740, 202-662-8710, Senior News Editor. These individuals can be contacted solely through counsel.
7. See Sections I through IV, above, and Exhibits hereto.
8. Complainant's own admission that he "stole" work time is set forth in his book, and was verified by his failure to deny he did so at the pre-discharge meeting. See Sections I through IV, above.
9. Stephen Benka, Marc Brodsky, Jim Stith, Randolph Nanna (PT's Publisher) and Theresa Braun (Respondent's Director of Human Resources) are aware of the reasons why Charging Party's employment was terminated and can support that decision.
10. Respondent is unaware of any other PT employee who was similarly situated to Charging Party, i.e., who had a history of productivity problems and who engaged in the same conduct as Charging Party.
11. Attached hereto, as Exhibit L, is the text of Respondent's 2000 Affirmative Action Program. The remainder of the plan is confidential and is not subject to disclosure.
12. See Exhibit M.

D01541

13. Since Complainant does not claim that he was denied a promotion, this inquiry is neither relevant nor material.
14. Respondent maintains a "Conflict of Interest" policy, which specifically provides that "all employees have a primary responsibility to the American Institute of Physics and are expected to avoid any activity which may interfere, or have the appearance of interfering with the performance of his or her job responsibilities." See Exhibit K.
15. See response to Request No. 10, above.
16. Respondent never has "banned" private conversations between its employees.
17. There is no such policy. See response to Request No. 16, above.
18. N/A.

**Discharge:**

- 1.(a)-(f) See Sections I through IV, above.
2. See Exhibits K and N.
3. The basic written rules of conduct are set forth in Respondent's Employee Handbook which is attached hereto as Exhibit N.
4. See Response to Request No. 10, above.
5. Charging Party was only the PT Editor discharged during the relevant time period.

Mr. William Welch  
Human Relations Commission

February 2, 2001  
Page 12

VI. CONCLUSION

Charging Party's allegation of retaliation is without merit. Consequently, Respondent respectfully submits that Charging Party's charge should be dismissed for lack of probable cause.

Very truly yours,

JACKSON, LEWIS, SCHNITZLER & KRUPMAN



Wendy J. Melk

WJM:dc/lg/dc  
Enclosures

I:\Clients\A\01276\_PJS\43581\Correspondence\position statement.wpd

D01543

JACKSON LEWIS SCHNITZLER & KRUPMAN



# Introduction

This book is stolen. Written in part on stolen time, that is. I felt I had no choice but to do it that way. Like millions of others who work for a living, I was giving most of my prime time to my employer. My job simply didn't leave me enough energy for a major project of my own, and no one was about to hire me to pursue my own vision, especially given my irreverent attitude toward employers. I was working in New York City as an editor at a glossy science magazine, but my job, like most professional jobs, was not intellectually challenging and allowed only the most constrained creativity. I knew that if I were not contending with real intellectual challenges and exercising real creativity—and if I were not doing anything to shape the world according to my own ideals—life would be unsatisfying, not to mention stressful and unexciting. The thought of just accepting my situation seemed insane. So I began spending some office time on my own work, dumped my TV to reappropriate some of my time at home, and wrote this book. Not coincidentally, it is about professionals, their role in society, and the hidden battle over personal identity that rages in professional education and employment.

The predicament I was in will sound painfully familiar to many professionals. Indeed, generally speaking, professionals today are not happy campers. After years of worshipping work, many seemingly successful professionals are disheartened and burned out, not because of their 70-hour workweeks, but because their salaries are all they have to show for their life-consuming efforts. They long for psychic rewards, but their employers' emphasis on control and the bottom line is giving them only increased workloads, closer scrutiny by management and unprecedented anxiety about job security. In this way the cold reality of employer priorities has led to personal crises for many of this country's 20 million professionals.

Burned-out professionals may not be immediately obvious to the casual observer, because typically they stay on the job and maintain their usual high level of output. But they feel like they are just going through the motions. They have less genuine curiosity about their work, feel less motivated to do it and get less pleasure from it. The emotional numbness inevitably spreads from their work lives into their personal lives. According to Herbert J. Freudenberger, the New York psychologist who coined the term burnout in the mid-1970s, the personal consequences are wide-ranging and profound: cynicism, disconnection, loss of vitality and authenticity, decreased enjoyment of family life, anger, strained relationship with spouse or partner, divorce, obsessive behavior such as "workaholism," chronic fatigue, poor eating habits, neglect of friends, social isolation, loneliness—and the list of symptoms goes on. Freudenberger tells me he has seen a big increase in career burnout among professionals in the past twenty years. Ironically, such depression is most likely to hit the most devoted professionals—those who have been the most deeply involved in their work. You can't burn out if you've never been on fire.

The problem shows no sign of easing. In fact, the ranks of troubled professionals are swelling as members of Generation X finish school and rack up a few years in the workforce. Many Xers, having observed the unfulfilling work ethic of their baby boom predecessors, want their own working lives to be fun and meaningful from the get-go. Starting out with priorities that took boomers a decade to figure out, but in no better position to act on those priorities, Xers are simply having career crises at an earlier age. Clearly, there is an urgent need to understand why career work so often fails to fulfill its promise.

I argue that the hidden root of much career dissatisfaction is the professional's lack of control over the "political" component of his or her creative work. Explaining this component is a major focus of this book. Today's disillusioned professionals entered their fields expecting to do work that would "make a difference" in the world and add meaning to their lives. In this book I show that, in fact, professional education and employment push people to accept a role in which they do not make a significant difference, a politically subordinate role. I describe how the intellectual boot camp known as graduate or professional school, with its cold-blooded expulsions and creeping indoctrination, systematically grinds down the student's spirit and ultimately produces obedient thinkers—highly educated employees who do their assigned work without questioning its goals. I call upon students and professionals to engage in just such questioning, not only for their own happiness, but for society's sake as well.

This book shows that professional education is a battle for the very identity of the individual, as is professional employment. It shows how students and working professionals face intense pressure to compromise their ideals and sideline their commitment to work for a better world. And it explores what individuals can do to resist this pressure, hold on to their values and pursue their social visions. People usually don't think of school and work in terms of such a high-stakes struggle. But if they did, they would be able to explain why so many professional training programs seem more abusive than enlightening, and why so many jobs seem more frustrating than fulfilling.

I decided to write this book when I was in graduate school myself, getting a PhD in physics, and was upset to see many of the best people dropping out or being kicked out. Simply put, those students most concerned about others were the most likely to disappear, whereas their self-centered, narrowly focused peers were set for success. The most friendly, sympathetic and loyal individuals, those who stubbornly continued to value human contact, were handicapped in the competition. They were at a disadvantage not only because their attention was divided, but also because their beliefs about big-picture issues such as justice and social impact caused them to stop, think and question. Their hesitation and contemplation slowed them down, tempered their enthusiasm and drew attention to their deviant priorities, putting them at a disadvantage relative to their unquestioning, gung-ho classmates. Employers, too, I realized, favored people who kept their concerns about the big picture nicely under control, always in a

position of secondary importance relative to the assigned work at hand. Thus I saw education and employment as a self-consistent, but deeply flawed, system. I wrote this book in the hope of exposing the problem more completely and thereby forcing change.

A system that turns potentially independent thinkers into politically subordinate clones is as bad for society as it is for the stunted individuals. It bolsters the power of the corporations and other hierarchical organizations, undermining democracy. As I will explain in detail, it does this by producing people who are useful to hierarchies, and only to hierarchies: uncritical employees ready and able to extend the reach of their employers' will. At the same time, a system in which individuals do not make a significant difference at their point of deepest involvement in society—that is, at work—undermines efforts to build a culture of real democracy. And in a subordinating system, organizations are more likely to shortchange or even abuse clients, because employees who know their place are not effective at challenging their employers' policies, even when those policies adversely affect the quality of their own work on behalf of clients.

This book is intended for a broad range of professionals, nonprofessionals and students, and for anyone interested in how today's society works. It is for students who wonder why graduate or professional school is so abusive. It is for nonprofessionals who wonder why the professionals at work are so often insufferable, and who want to be treated with greater respect. It is for socially concerned professionals who wonder why their liberal colleagues behave so damn conservatively in the workplace. (Chapter 1 explains how professionals are fundamentally conservative even though liberalism is the dominant ideology in the professions.) It is for individuals who are frustrated by the restrictions on their work and troubled by the resulting role they play—or don't play—in the world. It is also for those who simply find their careers much less fulfilling than they had expected and aren't exactly sure why.

Disillusioned lawyers, doctors, financial analysts, journalists, teachers, social workers, scientists, engineers and other highly educated employees are looking for a deeper understanding of why their lives are stressful and feel incomplete. My hope is that readers will find such an understanding in these pages, along with effective strategies for corrective action. If you are a professional, coming to understand the political nature of what you do, as part of an honest reassessment of what it really means to be a professional, can be liberating. It can help you recover your long-forgotten social goals and begin to pursue them immediately, giving your life greater meaning and eliminating a major source of stress. It can help you become a savvy player in the workplace and reclaim some lost autonomy. And, ironically, it can help you command greater respect from management and receive greater recognition and reward, without necessarily working harder.

If you are a student, understanding the political nature of professional work can help you hold on to your values and moral integrity as you navigate the minefields of professional training and, later, employment. For students

trying to get through professional training intact, this book can serve as something of a survival guide, explaining the frightening experiences and warning of what lies in store.

If you are a nonprofessional, you experience even more lack of control, unfulfilling work, insecurity and other sources of stress than do professionals. As a consequence, the toll on your physical and psychological well-being is even greater than that suffered by professionals. If you want to act individually or collectively to improve your situation, then it pays to know what makes your professional coworkers tick. Such awareness can help you figure out which people you can trust and how far you can trust them. When professional and nonprofessional employees maintain solidarity in the workplace, they can cover for each other and get more concessions from their employer. But any alliance between unequal partners is doubly risky for the less powerful party—in this case the nonprofessionals, who are at the bottom of the workplace hierarchy. By understanding professionals, you reduce the chances of being double-crossed by them. You'll be treated with more respect, too.

Whatever your occupation, you have to deal with a variety of professionals when you are off the job. Most of these professionals work for others, not directly for you. Whether you visit an HMO, send kids to school, request a government service, see a counselor, get assistance from a social worker, deal with a lawyer, file a consumer complaint or contact a local TV station or newspaper, understanding the political nature of professional work will help you get better service. If you are involved in an independent organization working for social change, you have to contend not only with professionals in the corporations or agencies that your group confronts, but also with professionals advising your own organization. Groups that simply trust professionals without truly understanding them are very likely to be misdirected or sold out by those professionals.

And, of course, everyone deals with professionals indirectly, too. For instance, newspapers, magazines, radio and television are filled with supposedly objective news reports, analyses and studies prepared by professionals. What should you believe? To truly understand the output of these or other professionals, you first need to understand the political nature of the professional's role at work.

The political nature of professional work is this book's unifying theme. To make the case that the professional's work is inherently political, I examine not only professionals and what they do (part one: chapters 1 to 6), but also the system that prepares them to do it (part two: chapters 7 to 13) and the battle that one must fight to be politically independent (part three: chapters 14 to 16).

My hope is that whether you are a professional, a nonprofessional or a student, you will find here an unsettling but empowering new way of looking at yourself, your colleagues, the institution that employs or trains you, and society as a whole. This book strives to arm you with a very

practical analytical tool that you can use to your advantage in whatever individual and collective struggles you find yourself in as an employee, student, organization member, consumer or citizen.

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A note on pronouns. To avoid overuse of phrases such as "he or she," I will use female pronouns in part one and male pronouns in part two (the problem doesn't arise in part three). Today most professionals are women, and the female majority, which stood at 53% in 1997, is growing. Women have long made up large majorities in professions with relatively low social status and salary; thus teachers, social workers, registered nurses and librarians have been said to labor in the subprofessions. But today the proportion of women is increasing throughout the professions. Nearly half the students now in medical school and law school, for example, are women, up from about 9% in 1970.

A note on references. Many of the references listed at the end of each chapter make for fascinating reading. I encourage you to look further into topics in this book that interest you, and so I have given lots of references and have spelled things out to make them as easy as possible to look up. Time spent with these materials will surely be thought provoking, informative and entertaining.



**Background  
and Policy:**

Persons are recruited, hired, assigned and promoted without regard to race, religion, color, national origin, citizenship, sex, veteran's status, age, marital status or other protected characteristic.

All other personnel actions, such as compensation, benefits, transfers, layoffs and recall from layoffs, access to training, education, tuition assistance and social recreation programs are administered without regard to race, religion, color, national origin, citizenship, sex, veteran's status, age, marital status or other protected characteristic.

**Authority:**

Approved: Management Committee

Date: 5/97

**D01552**



## PERFORMANCE REVIEW 1995

PERIOD: February 1994-January 1995  
Employee Name: Jeff Schmidt  
Division: Physics Today Manager: Charles Harris  
Job Title: Editor  
Reporting to: The Editor of Physics Today

OVERALL RATING: 3.0

Major Responsibility 1: Edit articles

Weight: 80% Rating: 3.0 Score: 240

Component tasks:

1. Communicate with authors in person and by telephone, letter, fax, telephone and e-mail to revise and clarify articles, including satisfying referees' comments, and also to obtain approval of authors about editing changes.
2. Edit articles for content, clarity, organization, length, readability, house style, grammar, spelling and impact.
3. Negotiate with author for tables, charts, graphs, diagrams, photographs, including possible cover art. Select art, write and edit captions.
4. Revise article in conjunction with copy editor, editor and author's corrections.
5. Proofread galleys, help prepare page layouts, check bluelines.
6. Perform these tasks in accordance with production schedule.

Comments: Jeff is very good at taking technical articles and making them readable. He does a thorough editing job and his articles don't usually need much extra work to get them into publishable form, either in the text or the illustrations. Between February 1994 and January 1995, Jeff edited ten feature articles and two two-page introductory pieces. Because the March 1994 issue closed March 11 and the March 1995 issue closed February 10, Jeff was actually asked to work on 13 issues in this twelve month review period. If we consider the two introductory articles combined to be equivalent to one regular article, Jeff's productivity amounts to 0.85 articles per issue, or 0.9 articles per calendar month.

In Jeff's performance review of 2/94, it was noted that he edited 14 feature articles (published Mar. 93 - Feb. 94), and his production of work was considered "satisfactory under the circumstances." This period included a disruptive relocation to College Park. The review noted that "Jeff is capable of editing 16 articles a year, an average of about 1.3 articles a month. This should be his goal for the next twelve months."

Jeff did not meet this goal in 1994.

Major Responsibility 2: Take responsibility for assigned articles  
Weight: 15%                      Rating: 3.5                      Score: 52.5

Component tasks:

With regard to assigned feature articles, and in consultation with the editor-in-chief:

1. Get in touch with the author when the outline is due.
2. Seek advice from a referee on the outline
3. Give feedback to the author about the outline.
4. Call the author when the manuscript is due.
5. Evaluate the manuscript
6. Contact a referee

Comments: Jeff carries the heaviest load of assigned articles and is usually thorough, perceptive and reasonably prompt.

Major Responsibility 3: Support the editorial effort of PT  
Weight: 5%                      Rating: 3                      Score: 15

Component tasks:

1. Read submitted manuscripts at request of the editor and submit a review with regard to the suitability of the manuscript for publication. These manuscripts include feature articles, letters to the editor and opinion pieces.
2. Submit ideas for feature articles and news stories.
3. Attend and participate in staff meetings to develop ideas for articles, news stories, special issues, etc.
4. Read relevant periodicals and attend relevant meetings to keep abreast of developments in physics.

Comments: Jeff's reviews are usually insightful, intellectually critical and reasonably prompt. The computer log shows that Jeff reviewed nine feature articles and twenty six letters in this period. Jeff is not a big source of ideas for news stories and feature articles, but he often makes interesting comments in meetings that are well thought out and sometimes these turn out to be ideas that no one else has articulated.

Appraisers Comments:

Jeff is a very capable editor and does an excellent job of editing feature articles and a good job of handling the other duties described above. His productivity on his main function of editing feature articles is below capacity. With the magazine's call for more but shorter articles, Jeff must aim to edit a minimum of 16 articles published April 1995 to March 1996.

Employee's Comments:.....  
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SIGNATURES:

Employee:.....*Schmitt*.....Date: *16 Feb 95*.....

Appraiser:.....*Steve Benka*.....Date: *2/16/95*.....

Both the appraiser and the employee must sign and date the form. The employee's signature does not necessarily represent agreement with the review but that he/she has seen the form and participated in the performance appraisal.

H.R. Review:.....Date:.....

Exhibit D

D01557

## PERFORMANCE REVIEW 1997

Employee Name: Jeff Schmidt  
Division: Physics Today                      Manager: Steve Benka  
Job Title: Senior Associate Editor  
Reporting to: Editor  
PERIOD: Feb 1996-Jan 1997 (PT issues March '96-Feb '97)

Overall Rating: 4

## Major Responsibility 1: Edit articles

Weight: 80%      Rating: 4.0      Rating: 320

## Component tasks:

1. Edit articles for content (including art), clarity, organization, length, readability, house style, grammar, spelling and impact. Do this in conjunction with authors and the editor, and so as to meet editorial deadlines.
2. See articles through production. This includes obtaining or performing revisions, proofreading, preparing layouts and checking blueines, all so as to meet editorial deadlines.

Comments: Jeff is a thorough and professional editor. He edited 15 feature articles in this period, one shy of his agreed upon goal of 16. One of them (ITER debate, June '96) was very difficult to produce and was assigned to him at a late date. He did a fine job with that one, and with all of them. His articles are generally ready on time and often they are early. Jeff was also instrumental in streamlining the articles-editing process within PT.

## Major Responsibility 2: Take responsibility for assigned articles

Weight: 15%      Rating: 3.5      Rating: 52.5

## Component tasks:

In consultation with the editor:

1. Contact authors to obtain outlines and manuscripts.
2. Contact referees for advice on outlines and manuscripts.
3. Evaluate outlines and manuscripts, in conjunction with the editor and referee. Give feedback to the author, to develop an appropriate article.

Comments: Jeff has expressed a desire to always have at least one article ready to edit. He has also gotten involved at much earlier stages in the articles-acquisition process.

Major Responsibility 3: Support the editorial effort of PT

Weight: 5%      Rating: 3.0      Rating: 15

Component tasks:

1. Read submitted manuscripts (feature articles, letters and opinion pieces) at request of the editor and provide a review with regard to the suitability of the manuscript for publication.
2. Attend and participate in staff meetings to develop ideas for articles, news stories, special issues, etc.
3. Submit ideas for feature articles and news stories.

Comments:

Jeff's reviews are often insightful and useful, but they are not always prompt. His comments in meetings often provide a useful counterpoint to discussions. He is not expected to be a major source of ideas for articles and news stories, but occasionally has ideas with merit.

Appraiser's comments: Jeff is an excellent editor, and handles even the difficult assignments well. His comments and views on editorial ideas and policies are generally insightful.

Jeff needs to increase his article output in 1997 to at least 16, and preferably 18. He also needs to return his manuscript reviews promptly.

OVERALL RATING:      4.0

OVERALL SCORE: 387.5

Employee's Comments:

SIGNATURES:

Employee: J. Schmidt Date: 13 Feb. 97

Appraiser: Steve Benke Date: 2/13/97

Both the appraiser and the employee must sign and date the form. The employee's signature does not necessarily represent agreement with the review but that he/she has seen the form and participated in the performance appraisal.

H.R. Review: ..... Date: .....



**PHYSICS TODAY  
PERFORMANCE REVIEW 1998**

March 12, 1998

Employee Name: Jeff Schmidt                      Job Title: Senior Associate Editor  
Division: Physics Today                      Reports to: Editor  
PERIOD: Feb 1997-Jan 1998 (PT issues March '97-Feb '98)

**Major Responsibility 1: Edit articles**

Weight: 76%                      Rating: 3.0                      Score: 228

**Component tasks:**

1. Edit articles for content (including art), clarity, organization, length, readability, house style, grammar, spelling and impact. Do this in conjunction with authors and the editor, and so as to meet editorial deadlines.
2. See articles through production. This includes obtaining or performing revisions, proofreading, preparing layouts and checking bluelines, all so as to meet editorial deadlines.

Comments: Jeff's articles are generally ready on time and are often early. For this review period, he was asked to produce 16-18 articles. Seven months into this review period, we made an adjustment (reflected in the above weight) because of his imminent fatherhood that effectively reduced his production minimum from 16 to 15, and he met this revised goal. (This counts the two-part Goldstein article (Mar & Apr '98) as two articles, both completed within this period.) He declined several articles that were offered to him for editing (including Fink, Cohn, Jeanloz, Kasap, and a second one for the October special issue).

His work ranged from very good (as with Perl, who praised the editing) through average (Crabtree, Nelson) to poor (the Mourou article had a number of substantive errors of physics and notation, which should have been spotted by Jeff but had to be corrected by the Editor).

**Major Responsibility 2: Take responsibility for assigned articles**

Weight: 19%                      Rating: 3.5                      Score: 66.5

**Component tasks:**

In consultation with the editor:

1. Contact authors to obtain outlines and manuscripts.
2. Contact referees for advice on outlines and manuscripts.
3. Evaluate outlines and manuscripts, in conjunction with the editor and referee. Give feedback to the author, to develop an appropriate article.

Comments: Jeff did well in this area of his job, and regularly nudged authors and reviewers whose items were pending.

**Major Responsibility 3: Support the editorial effort of PT**

Weight: 5%

Rating: 2.0

Score: 10.0

**Component tasks:**

1. Read submitted manuscripts (feature articles, letters and opinion pieces) at request of Editor and provide a review with regard to the suitability of the manuscript for publication.
2. Attend and participate in staff meetings to develop ideas for articles, news stories, special issues, etc.
3. Submit ideas for feature articles and news stories.

Comments: Jeff's reviews of manuscripts have been completed more promptly than in the past, although they were somewhat less helpful. In his review of one Letter to the Editor, for example, he showed questionable judgement in his assessment of the physics competence of the authors of the Hubble Deep Field article (April '97). Not being a reporter, he is still not expected to be a major source of article and story ideas.

**Appraiser's comments and Performance Plan:** Over the last few years, Physics Today has been undergoing a number of changes—including raising levels of productivity, editorial quality and graphic design. Jeff is very capable of meeting these new demands. At the request of the Editor, Jeff did begin to handle his own correspondence with authors, as is done by all other articles editors. He has not yet begun to do his own keyboarding of editorial changes, as is done by all other articles editors.

In the next review period, he is expected to produce 18 high-quality articles, editing and rewriting text as needed, handling his own correspondence and doing all of his own keyboarding. The articles must be consistent with the magazine's standards of accuracy, readability, brevity, and visual appeal.

In addition, he is expected to provide helpful support to the overall editorial effort of the magazine.

**OVERALL RATING:** 3.0

**OVERALL SCORE:** 304.5

Employee's Comments:

SIGNATURES:

Employee:.....Date:.....

Appraiser:.....Date:.....  
*Steve Benka* *3/23/98*

Both the appraiser and the employee must sign and date the form. The employee's signature does not necessarily represent agreement with the review but that he/she has seen the form and participated in the performance appraisal.

H.R. Review:.....Date:.....



August 19, 1997

Jeff,

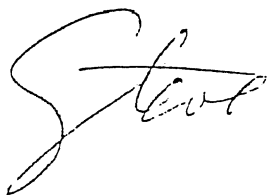
It is the responsibility of the article editors at Physics Today to produce finished articles starting from any point in a given article's development.

Thus the responsibility of generating "ready to edit" articles is in part yours. For one example, we had agreed that you would obtain Colson's article on free-electron lasers, and have it edited in case we needed it for an emergency fifth article in the October special issue on the electron; otherwise we could drop it into the magazine a month or two later. Fortunately, we don't need it for the special issue; to my knowledge you have yet to acquire the article.

You were my first choice to edit several articles in late stages of development in the recent past, but turned them all down: Fink (March); Cohn (May; I edited that one, while you edited none that month); Jeanloz to edit with Soulen (August); a second article for October (you were reluctant to take Perl); Kasap for November.

As recently as two months ago, when you wanted to take paternity leave (which I OK'ed), you told me you didn't want any additional articles through the end of this year. As noted above, I offered you some anyway and you turned them down. You expressed no interest in articles, so I left you out of my plans for them.

I understand your special circumstances and once again offer you my heartfelt congratulations on the birth of Joshua Rose. If you are now ready once again to accept the responsibilities that go with feature articles, I can supply you with as many as you want. The articles that are currently "ready to edit" have been assigned to others. Nevertheless, I am sure we can reach a mutually acceptable state of affairs.

A handwritten signature in cursive script, appearing to read "Steve". The signature is written in dark ink and is located in the lower-left quadrant of the page.

D01565



100000  
Charles —  
What is this all about? Are you and Steve out of phase?  
—Jeff

## PHYSICS TODAY Memo

To: Jeff Schmidt  
From: Steve Benka SB  
Subject: Performance expectations, sabbatical

October 1, 1998

Through the November 1998 issue, you are well on your way toward meeting the performance plan for articles laid out in your last review, having completed 10½ articles in the current review period. (This credits you with ½ article for your contribution to the May 1998 anniversary issue.)

To avoid misunderstandings, recall my expectations for your performance: A minimum of 18 completed, high-quality articles per year; consistently constructive, helpful, collegial behavior supportive of the overall editorial effort of the magazine.

You have asked for a six-month sabbatical and we would like to accommodate your request. Until a means of covering your workload is found, however, I expect you to continue working to meet your performance goals. Upon returning from a sabbatical, my expectations for you will remain the same.

In the spirit of cooperation, please complete the remainder of this page, keep a copy and return the original to me.

---

I have read this memo. Initials: \_\_\_\_\_ Date: \_\_\_\_\_

Check one:

- ☒ I find this memo acceptable.  
☐ I find this memo unacceptable, in whole or in part.

What is this, other than amateurish?

Comments:

Please see attached page.

Jeff

D01567



**PHYSICS TODAY  
PERFORMANCE REVIEW 1999**

August 13, 1999

Employee Name: Jeff Schmidt                      Job Title: Senior Associate Editor  
Division: Physics Today                      Reports to: Editor  
PERIOD: Feb 1998-Aug 1999 (PT issues March '98-Sep '99) - incl. 6-mo. sabbatical

**Major Responsibility 1: Edit articles**Weight: ~~80%~~                      Rating: 2.75                      Score: 220~~76%~~ ~~70%~~

Comments: For this review period, Jeff was asked to produce 18 high-quality articles, and he actually produced 13.5, which is unacceptable. This counts his partial contribution to the May '98 50th anniversary issue as 1/2-article rather than 1, because he had to be removed from the project. Given that one of Jeff's articles (Segev, 8/98) was extremely difficult (just making it publishable was a good accomplishment), and two other articles were assigned to Jeff on relatively short notice, but he nevertheless completed them in time for publication, 17 articles might have been deemed an acceptable number (rating a 3.0). Delivering more than 3 full articles less than that, however, is a very large shortfall, and rates at best a 2.0.

Aside from the anniversary issue, Jeff's editing was satisfactory, rating a 3.5. He still needs to find ways, such as creative rewriting, to better improve the readability of our less talented authors.

**Major Responsibility 2: Take responsibility for assigned articles**Weight: ~~15%~~                      Rating: 3.5                      Score: 52.5~~14%~~ ~~25%~~

Comments: Jeff ~~still~~ does well in this area of his job.

**Major Responsibility 3: Support the editorial effort of PT**

Weight: 5%                      Rating: 1.5                      Score: 7.5

Comments: During this review period, Jeff repeatedly engaged in disruptive and counterproductive behavior, damaging a collegial office climate and thereby undermining the editorial effort of *Physics Today*. Such behavior is unacceptable. Two examples will suffice.

(1) As noted above, Jeff was removed from working on the PT Anniversary issue. That was for two reasons: He produced a very unbalanced set of decadal excerpts, strongly centered on political issues, whereas he had been directed to focus on physics excerpts while his non-physicist partner focused on other excerpts. All five decades paired a physicist with a non-physicist in that manner. When his partner pointed out the imbalance and made suggestions to fix it, Jeff rebuffed him, provoking his partner to quit. For his failure to produce excerpts consistent with the stated goal, and for his failure to work respectfully and collegially with a fellow editor, he was removed from the job, which was completed by his partner and another physicist on the staff

who had already completed his decadal excerpts.

(2) Jeff wrote a response to his last performance review, as he is entitled to do. The response was 19 pages long (with another 38 pages of addenda), reacted to out-of-context comments from his review, and dwelled at length on issues not related to his job or to his review. Jeff made no attempt to discuss his response with his manager, but instead surreptitiously circulated it to PT staff members, whether they wanted to see it or not. Such an action seems to actively undermine not only the cohesiveness and morale of the staff, but also the staff's respect for management. Such an action in no way constructively supports the editorial efforts of PT; rather, it destructively undermines such efforts.

**Appraiser's comments and Performance Plan:** This review covers a 12-month work period, albeit an 18-month calendar period. Jeff took a six-month sabbatical during this review period, from mid-December to mid-June. In the two months since his return, he has worked effectively at his job, and contributed positively in staff meetings.

At Jeff's request, his salary will be reduced by 1/3, and his workload will also be reduced by 1/3, to 12 articles per year. As always, the articles must be of high quality, with Jeff editing and rewriting text as needed. The articles must be consistent with the magazine's standards of readability, accuracy, brevity, and visual appeal. He must continue to handle his own correspondence and do all of his own keyboarding.

In addition, he is expected to provide helpful support to the overall editorial effort of the magazine.

OVERALL RATING: ~~2.8~~ 3.0 OVERALL SCORE: ~~280.0~~

Employee's Comments:

~~283~~ 300

See attached two-page memo dated 19 August 1999.

SIGNATURES:

Employee: J. Schmidt Date: 19 Aug. 99  
Appraiser: Steve Benka Date: 8/17/99

Both the appraiser and the employee must sign and date the form. The employee's signature does not necessarily represent agreement with the review but that he/she has seen the form and participated in the performance appraisal.

H.R. Review: [Signature] Date: 8/23/99

[Signature] 8/20/99

19 August 1999

To: Stephen Benka, Editor, Physics Today, American Institute of Physics

From: Jeff Schmidt, Senior Associate Editor, Physics Today

Subject: My 1999 performance review (dated 13 August 1999 and signed by you on 17 August 1999)

I was disappointed to find that you wrote my 1999 performance review in the same punitive spirit as my 1998 review. Like my 1998 review, the present review understates or completely leaves out my accomplishments and does not mention the praise that I have received for my work. At the same time, it contrives deficiencies and plays them up. I had thought you had gotten beyond that.

I was also surprised to see that you used an unchanged version of my 1998 review as a starting point for the 1999 review, thereby compounding many serious errors. As you know, in my memo of 27 April 1998 I brought to AIP's attention a number of serious errors in my 1998 performance review -- places where statements in the review conflict with the (still existing) written record. AIP did not find fault with any of my corrections, yet you have proceeded as if they had never been brought to AIP's attention.

Hence, not perceiving a genuine interest in accuracy in these matters, let alone fairness, I will not detail here the many serious errors of fact in the 1999 review and the obvious reasons for those errors. I will just make the general statement (and give a few examples) that the 1999 review stands in conflict with the written record as much as the 1998 review did -- and for the same reasons, which are detailed in my memo of 27 April 1998. The 1999 review appears to be an extension of the 1998 review: It continues the step-by-step lowering of my appraisal from above average to average to below average, even though the quality and quantity of my work remains as high as ever. Here are the examples:

1. The 1999 review states that I edited 13.5 articles for the Physics Today issues of March 1998 -- September 1999. In fact I edited the equivalent of at least 17 articles for those issues: Goldstein, Sullivan, Barth, another article by Goldstein, Ramaty, De Koe, Busch-Vishniac, Hemley, Segev, Bering, Canfield, Vogel, Ertl, Redish, Bernholz and work for the May 1998 special issue amounting to the equivalent of at least two articles. The huge amount of extra work that I did for that special issue was clear to you and to everyone else at the time. I worked day and night to meet the deadline, and you even gave me the AIP "Pat on the Back" award for my "extra effort" and "outstanding performance." (See the attached pages for a copy of the award.) But my 1999 performance review rewrites history to re-estimate the amount of work that I did as the equivalent of editing one-half of an article.

I always work ahead, of course, as magazine work requires, and so I have edited an 18th article (by Clifford Will) during the stated review period (February 1998 -- August 1999). However, this article will not be published in the issues counted for my 1999 review (March 1998 -- September 1999), and so should not be counted for that review, even though I did the work during that period. Except for my 1998 review, that is how the accounting has been done

D01571

on my performance reviews for 17 years, and that is how it should continue to be done unless it is changed by mutual agreement, before the work is done. It is unfair for you to change the accounting method at the end of the review period while you are writing the review, as you did in my 1998 review (see page 4 of my memo of 27 April 1998) and as you did again in my 1999 review, when you reverted back to the long-standing method. Each of these self-serving changes reduced the number of articles credited to me on my 1999 review. The consistent and fair bottom line for my 1999 review is 17 articles, not 18 — and certainly not "13.5."

2. Similarly, it is unfair for you to change my job description after I have done the work. Since 25 August 1997 my three areas of work have been weighted at 70%, 25% and 5% (see your written statement of 25 August 1997, a copy of which is in the addenda of my memo of 27 April 1998.) You altered those percentages while you were writing my 1999 review to 80%, 15% and 5%, lowering my rating. I am particularly surprised that you did that, because I thought you had promised a more above-board management style after I objected to an earlier (19 August 1997), similar action on your part. (For a description of that action, see page 3 of my memo of 2 September 1997, a copy of which is in the addenda of my memo of 27 April 1998.)

3. Your description of the way the work on the May 1998 special issue was organized is incorrect. The editors were told to excerpt "the best of Physics Today" for that issue, and in the decade assigned to me and my partner, that material happened to center on political issues. The staff was not, in fact, required to divide the work along "physics" and "political" lines as you suggest. One pair of staff members, for example, simply divided their decade in half, with each person excerpting the best material from a five-year period. Contrary to what the review says, I did not rebuff or work less than respectfully and collegially with other staff members. In fact, I implemented my partner's suggestions, making major changes in the 8-page section to do so. My partner did not quit as you claim. Your characterization of my work with my partner is an incorrect speculation, a self-serving assumption about what might have happened. If you doubt the accuracy of anything that I have said in this paragraph, you need only ask the staff members to whom I have referred.

4. Contrary to your assertion, I did give you my response to my 1998 performance review. I did so verbally and we discussed it at length. You then consulted with Charles Harris about my request to correct errors in the review, and you refused to do so. I then appealed to Theresa Braun, AIP Director of Human Resources, and James Stith, AIP Director of Physics Programs. Contrary to your claim, there was nothing surreptitious about my not directing that appeal to you or about the fact that others may have seen my appeal. I had already made the appeal to you and had already discussed the issues with you.

These are just a few of the many inaccuracies in my 1999 performance review. They add to the evidently yet-uncorrected inaccuracies in my 1998 review, which should be made to conform to the written record promptly.

Finally, it is discouraging to see that it "seems" to you that I have acted to worsen the staff's morale problems, lower-than-desired respect for management and deficient cohesiveness. This speculation is way off the mark and suggests that you are looking in the wrong place to solve these very serious problems, to the detriment of the staff and the physics community.

Stephen Benka - First thoughts on your response to the review

Page 1

From: Stephen Benka  
To: Jeff Schmidt  
Date: Thu, Aug 19, 1999 7:09 PM  
Subject: First thoughts on your response to the review

*My response to Jeff's  
response.*

*- Steve 8/20/99*

Jeff,

Because you didn't have time to discuss your response to your review when you gave it to me, here are my initial thoughts on the inaccuracies that you perceive. Let's discuss this further as soon as possible.

Your example #1: You neglected to mention that, initially, you had wanted to count Goldstein as one long article, not two. However, because you had completed Goldstein within the previous review cycle, and because you were two full articles short of your already reduced (because of your cancelled paternity leave) production goal for last year, we counted them as two and included them in that cycle. This ensured that you would receive an "acceptable" rating, which was clearly in your best interest.

Each editor who worked on decadal excerpts for the anniversary issue did the equivalent of one full article's work in his or her decade. There would be no reason to count yours otherwise, except that your work on your decade had to be largely redone by someone else.

As of today, to my knowledge, the Will article is not yet completed. If it were, I would count it as an article completed within this review period.

Your example #2: You are right that I should have discussed the change of weights with you. I apologize for not having done so. Let's discuss and agree on your job description as soon as possible.

Your example #3: My description is accurate.

Your example #4: Your appeal to Charles Harris, Theresa Braun, and James Stith was the proper procedure to follow. However, as we discussed earlier today (and at other times), your surreptitious circulation of your response to the staff was entirely inappropriate.

I still would like you to tell me which member or members of the staff you have discussed this year's review with.

-Steve

D01573

D01574

U.S. Department of Labor

Employment Standards Administration  
Office of Federal Contract  
Compliance Programs



Washington District Office  
Reporters Building, Room 203  
300 7<sup>th</sup> Street, SW  
Washington, DC 20407  
Reply to the Attention of:

CF1/204/AIP

RECEIVED

JAN 22 1997

EXECUTIVE DIRECTOR'S OFFICE  
AMERICAN INST. OF PHYSICS

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Dr. Marc Brodsky  
Executive Director & CEO  
American Institute of Physics  
One Physics Ellipse  
College Park, Maryland 20740

Dear Dr. Brodsky:

Our recent compliance review of your equal employment opportunity policies and practices at American Institute of Physics, One Physics Ellipse, College Park, Maryland 20740 was completed on November 13, 1996.

This is to advise you we found no apparent deficiencies or violations of Executive Order 11246, as amended, Section 503 of the Rehabilitation Act of 1973, as amended, or the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended (38 USC 4212). This determination may be modified by the Regional Director, or by the Director, of OFCCP, within 45 days of issuance of this letter.

The Office of Federal Contract Compliance Programs sincerely appreciated the cooperation and courtesies extended by you and your staff during the conduct of the compliance review.

Sincerely,

A handwritten signature in cursive script, reading "Lewis B. Ramsey", is written over the typed name.

LEWIS B. RAMSEY  
District Director

D01575

U.S. Department of Labor

Employment Standards Administration  
Office of Federal Contract  
Compliance Programs  
Washington District Office  
Reporters Building, Room 2003  
300 7th Street, N.W.  
Washington, D.C. 20407



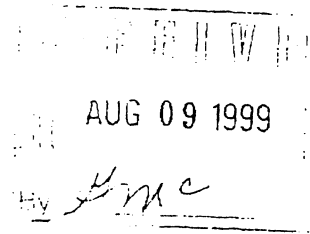
AUG 06 1999

Reply to the Attention of:

OMB No. 1215-0072  
Expires 01/31/99

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Ms. Alice Gersh  
Senior Employment Specialist  
American Institute of Physics  
1 Physics Ellipse  
College Park, MD 207430



Dear Ms. Gersh:

Our recent compliance check of your facility heretofore known as the American Institute of Physics has been completed. This compliance check has been an inspection of some of the records you are required to maintain in accordance with OFCCP's recordkeeping requirements.

During this compliance check of your establishment we determined that you have made available for inspection the documents specified in the scheduling letter for the compliance check. Therefore, based on this limited inspection of the recordkeeping requirements under 60-1.12, the compliance check of your establishment is closed.

This has been a limited documents review and does not represent a comprehensive evaluation of your employment practices and policies to determine compliance with the requirements of the Executive Order and regulations.

The Office of Federal Contract Compliance Programs sincerely appreciates the cooperation and courtesies extended by you and your staff during the conduct of the compliance check.

Sincerely,

*Lewis B. Ramsey*

LEWIS B. RAMSEY  
District Director

D01576

D01577

**PhD departments accounting for more than half of all African-Americans  
earning PhDs in physics from 1973-1998.**

	Number
Stanford University	23
Howard University	18
MIT	16
University of California - Berkeley	7
Alabama A&M University	7
UCLA	5
Kent State University	5
Georgia Institute of Technology	5
Florida State University	5
American University	4
New York University	4
SUNY - Albany	4
University of Maryland - College Park	4
University of Michigan - Ann Arbor	4
Brown University	3
Catholic University of America	3
CUNY	3
Illinois Institute of Technology	3
Polytechnic University	3
Princeton University	3
Total number of African-American physicists from all PhD-granting physics departments	226

Note Slightly more than a fourth of all African-American PhD's  
come from 3 physics departments

Source: AIP Statistics Division compiled from data collected by the National Science  
Foundation and published in their WebCASPAR online database.

**PhD departments accounting for nearly half of all Hispanic-Americans  
earning PhDs in physics from 1973-1998.**

	Number
University of Texas - Austin	14
MIT	12
University of California - Berkeley	12
University of Maryland - College Park	12
Stanford University	11
University of Illinois - Urbana	10
UCLA	10
Penn State University	9
University of Arizona	9
Texas A&M University	8
University of Florida	8
University of Massachusetts - Amherst	8
University of Wisconsin - Madison	8
Cornell University	7
Harvard University	7
New York University	7
SUNY - Stony Brook	7
University of Colorado - Boulder	7
CUNY Graduate Center	6
Florida State University	6
University of California - Irvine	6
University of California - San Diego	6
University of Michigan - Ann Arbor	6
University of Puerto Rico - Rio Piedras	6
Total number of Hispanic-American physicists from all PhD-granting physics departments	389

Source: AIP Statistics Division compiled from data collected by the National Science Foundation and published in their WebCASPAR online database.



**Background****and Policy:**

All employees have a primary responsibility to the American Institute of Physics and are expected to avoid any activity which may interfere, or have the appearance of interfering, with the performance of his or her job responsibilities.

1. A conflict of interest exists if any of an employee's outside business or other interests could adversely affect motivation or job performance at AIP.
2. It is a conflict of interest if an employee's job makes it possible to influence in any way the Institute's relationship with a potential vendor or customer, in which the employee has a financial interest.
3. An AIP employee may not serve as a consultant, or as a director, officer or employee of a company that competes or deals with AIP, or seeks to do so, unless he or she obtains the prior consent of the officer in charge of the department.
4. It may also be a conflict of interest if an employee's outside activities (which in and of themselves may not be conflicts of interest) are so demanding on the employee's time that they interfere with his or her job performance at AIP.

**Authority:**

Approved: Management Committee

Date: 5/97

**Procedure:**

Behaviors that might involve a Conflict of Interest include (but are not limited to):

1. An employee writing and publishing a physics or physics-related article or book, especially if research was done in connection with their AIP position, without first offering the Institute the opportunity to publish.
2. An employee offering any job-related services (e.g., editing physics or physics-related articles or books) for another directly or indirectly competitive company.
3. An employee not informing her/his manager of any job-related services being performed for a competitor or another publisher.

Any potential Conflict of Interest concerns should be brought to the attention of the Officer in charge of the area in which the employee works.

**D01581**

The Institute hopes that the employment relationship established with its employees will be rewarding and long term. However, recognizing that turnover is inevitable, AIP has established guidelines and procedures for termination of employment. There are two categories of termination:

1. Voluntary terminations are those initiated by an employee, e.g., resignation or retirement.
2. Involuntary terminations are those initiated by AIP.

Each of these types of termination is addressed under a separate policy, below:

Resignation, #309.02

Retirement, #309.03

Involuntary Termination, #309.04

---

**Attachment:**

Exit Interview form

Termination form

Service Request form

**D01582**

**Background****and Policy:**

On some occasions, employment may be terminated on the initiative of the management of the Institute. Discharge can be for any reason not prohibited by law. Employees are free to resign at any time and, correspondingly, AIP reserves the right to discharge an employee for any reason, with or without notice.

**Authority:**

Approved: Management Committee

Date: 5/97

**Procedure:**

1. The Supervisor and/or Manager must seek guidance from Human Resources before proceeding with a termination. Adequate documentation is necessary. (Supervisor or Manager will be asked to complete a Termination Form).
2. At the time of termination, an Exit Interview will be conducted with a member of the Human Resources Division. Among other items covered, the employee will be informed of:
  - The right to continue benefits (COBRA)
  - Any entitlement to payment for unused accrued vacation time
3. The terminating employee will be asked to return:
  - Money due, e.g., tuition reimbursement or computer subsidy
  - Credit card & Telephone calling card
  - Keys to office, desk, files
  - ID card and/or Access Card
  - Any AIP-purchased equipment in their possession (e.g., computer, fax machine, cellular phone or pager)

Refer to the Termination & Exit Interview forms following policy #309.01.

**Reference:**

Policy on Progressive Discipline, #321.06  
Policy on Severance Pay, #332.04

**D01583**

**Background  
and Policy:**

Poor performance and/or violation of AIP policy may result in termination. Because AIP values its employees, however, every effort will be made to avoid termination, observing the procedure described below. When reasonable attempts to resolve the situation have failed, an employee will be discharged.

Progressive discipline is an effective method of identifying and correcting undesirable employee behavior. However, some situations may require immediate imposition of disciplinary measures, including termination.

All employees of AIP are employed at will. Accordingly, employees may be terminated at any time, with or without cause and with or without notice. The progressive discipline procedures described herein may (or may not) be used by the Institute at its sole discretion on a case-by-case basis.

A partial list of terminable offenses can be found in the Employee Handbook in the "Employment Section" under "General Rules of Conduct." Managers and supervisors should always contact Human Resources for advice before taking any action.

**Authority:**

Approved: Management Committee

Date: 5/97

**Procedure:**

1. An employee's immediate supervisor discusses performance problems with the employee, citing specific examples, required improvements and a timetable. Supervisors should keep a written record of each conference where employee performance deficiencies are discussed. Supervisors should also keep their manager informed of performance problems and steps taken to correct same.
2. When poor performance continues, supervisor should again confer with the employee, stating clearly that failure to improve will result in termination. At this time, an Employee Warning Notice should be completed and sent to Human Resources.
3. If sustained improvement is not achieved, supervisor should consult with their manager and with the Human Resources Division about initiating termination procedures.
4. At any time in this process, an employee who wishes to discuss concerns regarding their performance and continued employment may go through the chain of command (as described in the Policy on Conflict Resolution, #322).

**Attachment:** Employee Warning Notice

**Reference:** See Involuntary Termination, #309.04 and Conflict Resolution, #322

**D01584**



One Physics Ellipse  
College Park, MD 20740-3843

Tel. 301-209-3100  
Fax 301-209-0847

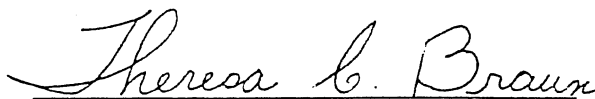
<http://www.aip.org>

## 2000 AFFIRMATIVE ACTION PROGRAM

**For**

### AMERICAN INSTITUTE OF PHYSICS – MARYLAND

Program Completed by:



Theresa C. Braun  
Director of Human Resources  
EEO Communicator

---

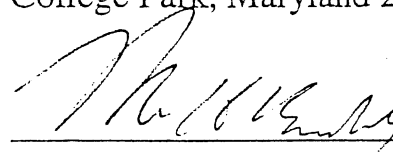
**Member Societies:**

The American Physical Society  
Optical Society of America  
Acoustical Society of America  
The Society of Rheology  
American Association of  
Physics Teachers  
American Crystallographic  
Association  
American Astronomical Society  
American Association of  
Physicists in Medicine  
American Vacuum Society  
American Geophysical Union

Address:

One Physics Ellipse  
College Park, Maryland 20740-3843

Program Approved by:



Marc H. Brodsky  
Executive Director/CEO

**Other Member Organizations:**

Sigma Pi Sigma Physics  
Honor Society  
Society of Physics Students  
Corporate Associates

**This Affirmative Action Program is effective 1/1/00 to 12/31/00**

One Physics Ellipse  
College Park, MD 20740-3843

Tel. 301-209-3100  
Fax 301-209-0847

<http://www.aip.org>

**A NOTICE AND INVITATION TO ALL EMPLOYEES AND APPLICANTS**

**MARC H. BRODSKY, EXECUTIVE DIRECTOR/CEO**

**AFFIRMATIVE ACTION AND EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT**

American Institute of Physics has been and will continue to be an equal opportunity employer. To assure full implementation of this equal employment policy, we will take steps to assure that:

a. Persons are recruited, hired, assigned and promoted without regard to race, religion, color, national origin, citizenship, sex, veteran's status, age or disability.

b. All other personnel actions, such as compensation, benefits, transfers, layoffs and recall from layoffs, access to training, education, tuition assistance and social recreation programs are administered without regard to race, religion, color, veteran's status, national origin, citizenship, sex, age or disability.

c. Employees and applicants shall not be subjected to harassment, intimidation, threats, coercion or discrimination because they have: (1) filed a complaint; (2) *assisted* or participated in an investigation, compliance review hearing or any other activity related to the administration of any federal, state or local law requiring equal employment opportunity; (3) opposed any act or practice made unlawful by any federal, state or local law requiring equal opportunity or (4) exercised any other right protected by federal, state or local law requiring equal opportunity.

**Member Societies:**

The American Physical Society  
Optical Society of America  
Acoustical Society of America  
The Society of Rheology  
American Association of  
Physics Teachers  
American Crystallographic  
Association  
American Astronomical Society  
American Association of  
Physicists in Medicine  
American Vacuum Society  
American Geophysical Union

I have appointed Theresa Braun to take on the responsibilities of EEO Coordinator. As EEO Coordinator, she will be responsible for the day to day implementation and monitoring of this Affirmative Action Plan. As part of that responsibility, she will periodically analyze the Company's personnel actions and their effects to insure compliance with our equal employment policy.

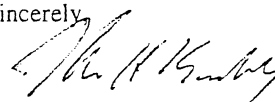
If you, as one of our employees or as an applicant for employment, have any questions about this policy or would like to be considered under our Affirmative Action Plan, please see Theresa Braun during regular business hours.

I have reviewed and fully endorse our Affirmative Action and Equal Employment Opportunity program. In closing, I ask the continued assistance and support of all of the Company's personnel to attain our objective of equal employment opportunity for all,

**Other Member Organizations:**

Sigma Pi Sigma Physics  
Honor Society  
Society of Physics Students  
Corporate Associates

Sincerely,



Marc H. Brodsky  
Executive Director/CEO



## DISSEMINATION OF EQUAL EMPLOYMENT OPPORTUNITY POLICY

### I. INTERNAL DISSEMINATION

The Institute will consider taking the following actions to disseminate its Affirmative Action and Equal Employment Opportunity Policy as appropriate, on a regular and continuing basis:

A. Including the Affirmative Action and Equal Employment Opportunity Policy statement in its policy manual and employee handbook, as published. A copy of our EEO Policy, which is contained in our Employee Handbook, is attached at the end of this section.

---

B. Meeting with supervisory personnel to explain the intent of the Affirmative Action and Equal Employment Opportunity Policy and their individual responsibilities for its implementation. We conducted supervisory training for all management about equal employment opportunity, affirmative action and sexual harassment during Plan Year 1999 and have continued the training into Plan Year 2000. For example, we communicate our commitment to equal employment opportunity to managers and supervisors in regular meetings and through the company newsletter. Our commitment to equal opportunity also is communicated to new applicants during our recruiting process.

C. Scheduling special meetings with employees or using Institute newsletters to discuss and explain individual employee responsibilities or opportunities under the affirmation action program. During the current plan year we will be communicating to all employees information about our affirmative action program and equal employment opportunity in the workplace. For example, we will discuss equal employment opportunity with executive management and hiring managers in regular meetings, and we communicate our commitment

through the company newsletter, employee handbook, policy and procedures manual, and our employee orientation program.

D. Discussing our equal employment policy during any orientation programs we hold, at which time all new employees (and if applicable, transferred and promoted employees) will be advised of our commitment to affirmative action and equal employment opportunity. Our Affirmative Action and Equal Employment Opportunity Policy statement and policy statements affirmatively supporting the employment of minorities, veterans, the disabled and women will be explained during these sessions. During these orientation sessions a Sr. management representative are present from every area of the Institute, including Human Resources who explains the function of that department. Our Affirmative Action and Equal Employment Opportunity Policy statement is regularly re-enforced to key decision makers at the Institute. Our Affirmative Action and Equal Employment Opportunity Policy statements affirmatively supporting the employment of minorities, veterans, the disabled and women are explained during these sessions. A copy of our "New Employee Checklist," which is distributed as part of the orientation process and addresses equal employment opportunity and affirmative action in the workplace, is attached at the end of this section.

E. Posting the Affirmative Action and Equal Employment Opportunity Policy, along with all required State and federal informational posters on our bulletin boards and updating such posters as required. Our "Affirmative Action and Equal Employment Opportunity Policy Statement," "Invitation To Covered Veterans To Self Identify", "Invitation to Individuals with Disabilities to Self Identify" and all required federal and state posters are posted in the lunchroom.

F. Including pictures of both minority and non-minority men and women in all employment and consumer advertising.

## II. EXTERNAL DISSEMINATION

Our equal employment opportunity policy will be disseminated externally, as considered appropriate, as follows:

A. All recruiting sources, when utilized, will be advised of the Institute's policy. The Institute will ask for written acknowledgment by each such recruiting source that it will comply with our policy. Thereafter, on a regular basis, such recruiting sources will be notified of our continuing commitment to equal employment opportunity. Copies of letters to affirmative action recruitment sources are attached at the end of this section.

B. The equal opportunity clause will be included in all purchase orders, leases, contracts, etc., covered by Executive Order 11246, as amended. A copy of our purchase order, which contains language that incorporates by reference the equal employment opportunity clause, is included at the end of this section.

C. When we advertise in newspapers for prospective employees, the advertisement will include language that communicates that we are an Equal Employment Opportunity Employer, such as "We are an Equal Employment Opportunity Employer M/F/D/V." We also will direct all newspapers not to place help-wanted advertisements in race or sex-segregated columns. Copies of recent newspaper advertisements have been included at the end of this section.

D. Prospective employees are informed that the Institute is an equal opportunity employer which maintains an affirmative action program through the notices we post

in areas accessible to applicants and employees and our application for employment. Moreover our affirmative action program is addressed during new hire orientation. A copy of our Employment Application is attached at the end of this section.

E. Our primary subcontractors, vendors and suppliers will be sent written notification of our Affirmative Action and Equal Employment Policy. Implementation will require assurances of compliance with, inter alia, Executive Order 11246, the Vietnam Era Veterans' Readjustment Assistance Act of 1974 and the Vocational Rehabilitation Act of 1973. Similar assurances will be required from new subcontractors, vendors and suppliers as such relationships are established. A copy of our Vendor Certification package is attached at the end of this section.

F. In the event that employees are featured in help-wanted, product or consumer advertising, employee handbooks or manuals or similar publications, both minority and non-minority men and women will be pictured and included.



## Equal Opportunity in Employment

The Institute is an equal opportunity employer. We believe that every employee has the right to be treated with dignity and respect. Consequently, we will not discriminate on the basis of age, race, creed, color, sex, national origin, citizenship, disability, marital status, or any other protected characteristic. Our management team is dedicated to ensuring full compliance of this policy with respect to recruitment, advertising, hiring, placement, promotion, rates of pay or other forms of compensation, selection for training, layoffs, termination, and general treatment during employment.

All individuals have unique abilities. We are committed to employing applicants and employees on the basis of ability, rather than disability. This commitment includes making reasonable accommodations for known physical or mental limitations of otherwise qualified individuals with disabilities. A reasonable accommodation is a modification or adjustment to a job, the work environment or the way things usually are done that does not pose an undue hardship to the Institute.

D01594

Sp. T. - A

## AMERICAN INSTITUTE OF PHYSICS

We have received your correspondence and thank you for considering the American Institute of Physics as a potential employer.

Please be assured that your qualifications will be carefully reviewed in connection with our current openings.

In the event we have a position to discuss with you, we will contact you.

Sincerely,

---

For government reporting purposes, we request that you provide the following race and gender data. Your response is voluntary and will not affect our consideration of your employment. Your response will be filed separately from your employment application and resume.

Please check all applicable boxes:

- |   |   |                                |                                |                                   |
|---|---|--------------------------------|--------------------------------|-----------------------------------|
| <input type="checkbox"/> Male                   | <input type="checkbox"/> Female                         | <input type="checkbox"/> White | <input type="checkbox"/> Black | <input type="checkbox"/> Hispanic |
| <input type="checkbox"/> Asian/Pacific Islander | <input type="checkbox"/> American Indian/Alaskan Native |                                |                                |                                   |

*The American Institute of Physics is an Equal Opportunity Employer*

CONSIDERATION OF MINORITIES AND WOMEN  
NOT CURRENTLY IN THE WORKFORCE

As required by Section 60-2.13 of the Office of Federal Contract Compliance Programs Affirmative Action Guidelines, we will make reasonable affirmative action efforts to recruit, train and promote minorities and women who are not currently in the workforce, having the requisite skills to perform jobs within our Institute. The Institute regularly requests that minority and female employees refer applicants for employment at American Institute of Physics. The Institute will monitor its recruitment efforts and hiring practices to ensure good faith efforts. Moreover, the Institute will identify and remedy any problem areas that could interfere with the success of such efforts.

---

**Background  
and Policy:**

Employees of the Institute can receive a monetary bonus for referring applicants who are hired for a position at AIP and successfully complete six continuous months of employment. To be eligible for this payment, the referring employee must be employed by AIP at the time the new hire completes his/her introductory period of employment. When these conditions are met, the payment is as follows (depending on the employment category of the new hire):

- |   |       |
|---|-------|
| 1. Regular full-time employee   | \$400 |
| 2. Regular full-time employee in Exempt Grade 7 and above, an additional payment after new employee completes a year of continuous employment | \$400 |
| 3. Regular part-time employee   | \$200 |
| 4. Hourly or cottage industry position  | \$150 |

*Note: Officers of the Institute, Human Resources staff and the hiring manager/supervisor are not eligible to receive this bonus:*

**Authority:**

Approved: Management Committee

Date: 6/98

**Procedure:**

An applicant should indicate the name of the employee who suggested he/she apply for the vacant position. However, it is the referring employee's responsibility to notify Human Resources of the referral within two weeks of the hire.

**D01597**

## INSTITUTE SUPPORT OF COMMUNITY ACTION PROGRAMS

The Institute notifies appropriate public and private organizations, as noted throughout this Plan, of its commitment to equal employment opportunity and affirmative action and will seek referrals of minorities, women, the disabled, veterans and older workers from those sources.

### I. IN GENERAL

The Institute will continue to make good faith efforts to work with and support community action programs and will consider such diverse activities as:

- A. Encouraging minority and female employees to participate actively in National Alliance of Businessmen programs for youth motivation.
- ~~B. Supporting vocational guidance institutes, vestibule training programs and similar activities.~~
- C. Assisting secondary schools and colleges in programs designed to enable minority and female graduates of these institutions to compete in the open employment market on a more equitable basis.
- D. Supporting programs developed by such organizations as National Alliance of Businessmen, the Urban Coalition and other organizations concerned with employment opportunities for minorities or women.

# Application for Employment

PLEASE PRINT

CURRENT AS OF 9/97

**AMERICAN  
INSTITUTE  
OF PHYSICS**

Equal access to programs, services and employment is available to all persons. Those applicants requiring reasonable accommodation to the application and/or interview process should notify a representative of the Human Resources Department.

Position(s) applied for \_\_\_\_\_ Date of application \_\_\_\_/\_\_\_\_/\_\_\_\_

Referral Source ☐ Advertisement ☐ Employee ☐ Relative ☐ Government Employment Agency  
☐ Walk-in ☐ Private Employment Agency ☐ Other \_\_\_\_\_

Name of source (if applicable) \_\_\_\_\_

Name \_\_\_\_\_  
LAST FIRST MIDDLE

Address \_\_\_\_\_  
STREET CITY STATE ZIP CODE Social Security # \_\_\_\_\_

Telephone # (\_\_\_\_) \_\_\_\_\_ Mobile/Beeper/Other Phone # (\_\_\_\_) \_\_\_\_\_ E-mail Address \_\_\_\_\_

If necessary, best time to call you at home is \_\_\_\_\_ : \_\_\_\_\_ AM PM

May we contact you at work? \_\_\_\_\_ ☐ Yes ☐ No

If yes, work number and best time to call \_\_\_\_\_ (\_\_\_\_) \_\_\_\_\_ : \_\_\_\_\_ AM PM

If you are under 18 and it is required, can you furnish a work permit? \_\_\_\_\_ ☐ Yes ☐ No

If no, please explain \_\_\_\_\_

Have you submitted an application here before? \_\_\_\_\_ ☐ Yes ☐ No

If yes, give date(s) and position(s) \_\_\_\_\_ / \_\_\_\_ / \_\_\_\_

Have you ever been employed here before? \_\_\_\_\_ ☐ Yes ☐ No

If yes, give dates \_\_\_\_\_ From \_\_\_\_/\_\_\_\_/\_\_\_\_ To \_\_\_\_/\_\_\_\_/\_\_\_\_

Are you legally eligible for employment in this country? \_\_\_\_\_ ☐ Yes ☐ No

Date available for work \_\_\_\_\_ / \_\_\_\_ / \_\_\_\_ What is your desired salary range? \_\_\_\_\_ \$ \_\_\_\_\_

Type of employment desired ☐ Full-Time ☐ Part-Time ☐ Temporary ☐ Seasonal ☐ Educational Co-Op

Will you relocate if job requires it? \_\_\_\_\_ ☐ Yes ☐ No Will you travel if job requires it? \_\_\_\_\_ ☐ Yes ☐ No

Are you able to meet the attendance requirements of the position? \_\_\_\_\_ ☐ Yes ☐ No

Will you work overtime if required? \_\_\_\_\_ ☐ Yes ☐ No

If no, please explain \_\_\_\_\_

Have you ever been bonded? \_\_\_\_\_ ☐ Yes ☐ No

Have you ever pled "guilty" or "no contest" to, or been convicted of a crime? \_\_\_\_\_ ☐ Yes ☐ No

If yes, please provide date(s) and details \_\_\_\_\_

ANSWERING "YES" TO THESE QUESTIONS DOES NOT CONSTITUTE AN AUTOMATIC BAR TO EMPLOYMENT. FACTORS SUCH AS DATE OF THE OFFENSE, SERIOUSNESS AND NATURE OF THE VIOLATION, REHABILITATION AND POSITION APPLIED FOR WILL BE TAKEN INTO ACCOUNT.

Driver's license number if driving is an essential job function \_\_\_\_\_ State \_\_\_\_\_

# Interview Evaluation

**AMERICAN  
INSTITUTE  
OF PHYSICS**

PLEASE PRINT

CURRENT AS OF 9/97

Name of Applicant \_\_\_\_\_ Date \_\_\_\_/\_\_\_\_/\_\_\_\_

☐ General Interview ☐ Position Interview for \_\_\_\_\_

This is ☐ 1st Interview ☐ 2nd Interview ☐ 3rd Interview JOB TITLE

Date/Time of Interview \_\_\_\_/\_\_\_\_/\_\_\_\_ : \_\_\_\_ AM Interviewer \_\_\_\_\_ Title \_\_\_\_\_ PM

Department Manager/Supervisor (if applicable) \_\_\_\_\_ Title \_\_\_\_\_

Interviewed Applicant on: Date \_\_\_\_/\_\_\_\_/\_\_\_\_ Time \_\_\_\_:\_\_\_\_ AM PM

**Instructions:** Carefully evaluate applicant's interview performance in relation to the essential functions of the job. Check rating box to indicate the applicant's performance. Indicate "N/A" in the points box if the rating category is not applicable. Assign points for each rating using the scale provided and write this number in the points box. Points will be totaled and averaged for an overall interview performance score.

## Definitions of Performance Ratings

**O – Outstanding** – Applicant is exceptional. Is recognized as being far superior to others.

**V – Very Good** – Applicant clearly exceeds position requirements.

**G – Good** – Applicant is competent and dependable. Meets standards of the job.

**I – Improvement Needed** – Applicant is deficient or below the standards required of the job.

**U – Unsatisfactory** – Applicant is generally unacceptable.

**N/A – Not Applicable**

Performance Factors	Rating	Scale	Supportive Details or Comments
1. <b>Experience</b> – The extent to which the applicant's background and experience are consistent with the essential functions of the job.	O <input type="checkbox"/>	100-90	<div style="border: 1px solid black; width: 40px; height: 40px; display: flex; align-items: center; justify-content: center;"> </div>
	V <input type="checkbox"/>	89-80	
	G <input type="checkbox"/>	79-70	
	I <input type="checkbox"/>	69-60	
	U <input type="checkbox"/>	Below 60	
2. <b>Education</b> – The extent to which the applicant's schooling is relevant and sufficient for the essential functions of the job.	O <input type="checkbox"/>	100-90	<div style="border: 1px solid black; width: 40px; height: 40px; display: flex; align-items: center; justify-content: center;"> </div>
	V <input type="checkbox"/>	89-80	
	G <input type="checkbox"/>	79-70	
	I <input type="checkbox"/>	69-60	
	U <input type="checkbox"/>	Below 60	
3. <b>Job Knowledge</b> – The extent to which the applicant possesses the practical/technical knowledge required to perform essential functions of the job.	O <input type="checkbox"/>	100-90	<div style="border: 1px solid black; width: 40px; height: 40px; display: flex; align-items: center; justify-content: center;"> </div>
	V <input type="checkbox"/>	89-80	
	G <input type="checkbox"/>	79-70	
	I <input type="checkbox"/>	69-60	
	U <input type="checkbox"/>	Below 60	
4. <b>Information About General Work Field</b> – The extent to which the applicant has thorough knowledge or is familiar with the field.	O <input type="checkbox"/>	100-90	<div style="border: 1px solid black; width: 40px; height: 40px; display: flex; align-items: center; justify-content: center;"> </div>
	V <input type="checkbox"/>	89-80	
	G <input type="checkbox"/>	79-70	
	I <input type="checkbox"/>	69-60	
	U <input type="checkbox"/>	Below 60	
5. <b>Communication Skills</b> – The extent to which the applicant effectively expresses and conveys ideas.	O <input type="checkbox"/>	100-90	<div style="border: 1px solid black; width: 40px; height: 40px; display: flex; align-items: center; justify-content: center;"> </div>
	V <input type="checkbox"/>	89-80	
	G <input type="checkbox"/>	79-70	
	I <input type="checkbox"/>	69-60	
	U <input type="checkbox"/>	Below 60	
6. <b>Motivation</b> – The extent to which the applicant appears to have a true desire to work and has an interest in the position.	O <input type="checkbox"/>	100-90	<div style="border: 1px solid black; width: 40px; height: 40px; display: flex; align-items: center; justify-content: center;"> </div>
	V <input type="checkbox"/>	89-80	
	G <input type="checkbox"/>	79-70	
	I <input type="checkbox"/>	69-60	
	U <input type="checkbox"/>	Below 60	

**D01600**

# INDIVIDUAL ORIENTATION DISCUSSION CHECKLIST

Conducted by Human Resources

## Appropriate Forms

- ☐ W-4
- ☐ I-9
- ☐ Application (From Interview)
- ☐ Affirmative Action Form (From Interview)
- ☐ Direct Deposit Form
- ☐ Fitness Waiver
- ☐ Emergency Card
- ☐ Computer Waiver Form (s)
- ☐ Background Check Consent Form

## Policies and Procedures

- ☐ EEOC / Affirmative Action Program
- ☐ Introductory Period (6 months)
- ☐ FMLA
- ☐ Discipline Process
- ☐ Harassment
- ☐ ADA
- ☐ OSHA
- ☐ Drug Free Workplace Policy

## Compensation and Benefits

- |   |  |
|---|--|
| <input type="checkbox"/> EAP                        | <input type="checkbox"/> Travel Accident Insurance |
| <input type="checkbox"/> Medical                    | <input type="checkbox"/> Pre/Post Tax              |
| <input type="checkbox"/> Dental                     | <input type="checkbox"/> Flexible Spending Account |
| <input type="checkbox"/> Vision                     | <input type="checkbox"/> Prescription Drug Card    |
| <input type="checkbox"/> Retirement (RA & SRA)      | <input type="checkbox"/> Savings Bond              |
| <input type="checkbox"/> Short/Long Term Disability | <input type="checkbox"/> Tuition Assistance        |
| <input type="checkbox"/> Life Insurance             | <input type="checkbox"/> Salary                    |

## Materials

- |  |  |
|--|--|
| <input type="checkbox"/> Employee Handbook | <input type="checkbox"/> Inclement Weather Procedure |
| <input type="checkbox"/> Benefits Summary  | <input type="checkbox"/> Telephone Book              |
| <input type="checkbox"/> Holiday Schedule  | <input type="checkbox"/> Payroll Schedule            |

## General Information

- |   |  |
|---|--|
| <input type="checkbox"/> Attendance (Vacation, Personal Days, Sick Leave) |  |
| <input type="checkbox"/> Building/working hours                           | <input type="checkbox"/> Lunch, breaks, overtime |
| <input type="checkbox"/> Employee activities and events                   |  |

I acknowledge that I have received training and information on the items indicated above.

Name \_\_\_\_\_ Date \_\_\_\_\_

Human Resources \_\_\_\_\_

*American Institute of Physics is an Equal Opportunity Employer*

*m:orienlis last updated 10/3/2000*

**D01601**



## ORIENTATION CHECKLIST :

Employee Name/Start Date \_\_\_\_\_  
Return to Human Resources by: \_\_\_\_\_

### **Before They Arrive--Conducted by the division**

- ☐ Reserve time and date on calendar for orientations
- ☐ Inform co-workers with respect to new employee

### **Day 1--Conducted by the division and \*Human Resources**

- ☐ Welcome new employee personally
- ☐ Introduce to co-workers
- ☐ Assign a "buddy" who will assist with tour
- ☐ \*Take employee to human resources to fill out appropriate forms
- ☐ Tour divisions and company (\*Excluding: mailroom, cafeteria, child care center, reception area, restrooms, human resources, Executive Director's Office, fitness center--HR will conduct this part of tour)

---

### **AFTER LUNCH**

- ☐ Have "buddy" discuss other administrative procedures and systems (ordering supplies, health and safety, phone and computer system, etc.)
- ☐ Discuss divisions in AIP and their part in producing our products and services

### **Day 2--Conducted by the division and \*Human Resources**

- ☐ \*Human Resources for overview of AIP benefits and policies (10:00-11:30)
- ☐ Discuss key projects, activities, and work flow of the division
- ☐ Give job description and go over responsibilities, goals, and objectives
- ☐ Review performance expectations and evaluation forms

### **After 2 weeks--Conducted by the division**

- ☐ Meet with new employee
- ☐ Check understanding of responsibilities and procedures
- ☐ Check comfort level and give opportunity to ask questions

### **After 6 months--Conducted by the division and \*Human Resources**

- ☐ \*By this time period, new employee would have had lunch with the CEO or other Sr. Manager where information is to be presented about AIP's history, products and services, and organization structure.
- ☐ Evaluate progress (6 month introductory review)
- ☐ Set objectives for improvement
- ☐ \*Employee is given the "New Employee Follow-Up and Feed Back" Form

### **After 12 months--Conducted by division and \*Human Resources**

- ☐ Evaluate employee performance
- ☐ Meet with employee to discuss performance and set new performance goals
- ☐ Determine growth areas and development program

Manager \_\_\_\_\_

Date \_\_\_\_\_

*m:orienlis last updated 10/3/2000*

*American Institute of Physics is an Equal Opportunity Employer*

**D01602**

## New Employee Follow-up and Feed Back

1. Do you feel that the orientation to your job responsibilities/duties has prepared you to perform your job effectively? Please explain.

\_\_\_\_\_  
\_\_\_\_\_

2. How would you rate your overall orientation experience: (check one)

Excellent    ☐    Please explain \_\_\_\_\_

Good    ☐    \_\_\_\_\_

Fair    ☐    \_\_\_\_\_

Poor    ☐    \_\_\_\_\_

3. To what extent did you feel involved in the orientation process: (check one)

Deep Involved    ☐    Please Explain \_\_\_\_\_

Interested    ☐    \_\_\_\_\_

Slightly Interested    ☐    \_\_\_\_\_

Not very interested    ☐    \_\_\_\_\_

4. Do you have any suggestions for the orientation process?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. Is there a particular area in which you would like more information or have questions?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Employee's Name \_\_\_\_\_ Date \_\_\_\_\_

Division \_\_\_\_\_

*Please return this form to Human Resources.*

*Thank you for participating; we wish you great success in your position.*

*American Institute of Physics is an Equal Opportunity Employer*

June 2, 2000

FIELD(Company)  
FIELD(Street Address)  
FIELD(City, State, Zip)  
FIELD(Name)

Dear FIELD(Salutation):

American Institute of Physics is an equal opportunity and affirmative action employer which does not discriminate on the basis of race, national origin, religion, age, color, sex, disability, or veteran's status, or any other characteristic protected by local, state or federal laws, rules or regulations. The institute's policy applies to all terms and conditions of employment. To achieve our goal of equal opportunity, the institute maintains an affirmative action plan through which it makes good faith efforts to recruit, hire and advance in employment qualified minorities, females, disabled individuals and Vietnam era and special disabled veterans. We would appreciate FIELD(Company) assistance in the Institute's effort to achieve its affirmative action and equal opportunity goals.

---

Therefore, we request that FIELD(Company) refer qualified minorities and females for available positions at the American Institute of Physics.

Thank you for your attention. If you have any questions, do not hesitate to call.

Yours truly,

Sandra James

D01604

**Background  
and Policy:**

All recruitment for new or open positions at the Institute is coordinated by Human Resources.

**Authority:**

Approved: Management Committee

Date: 5/97

**Procedure:**

Managers wishing to create a new position or to hire, promote or transfer to fill a vacancy must first contact Human Resources.

1. Prepare a job description; if the position is a new one, this job description must be evaluated in HR to determine appropriate salary grade.
2. Complete a Request for Personnel Form (copy attached). Approval is required for all positions.
3. Hiring manager will work with HR staff in posting, advertising and interviewing to fill approved positions. Recruiting department pays for cost of recruitment (job ad, travel expense for out-of-area candidates, placement agency or employee referral fee, etc.)
4. Human Resources staff handle the scheduling of interviews, and all candidates interviewed must complete an Application for Employment. An Interview Evaluation should be completed for each candidate interviewed; once hiring manager has made a decision, reference checks must be conducted and an Employment Offer Form must be completed and signed by two levels of management.
5. Job offer will be handled by Human Resources staff.

**Reference:** Job Posting policy

**Attachment:** Position Approval Form  
Personnel Change Form  
Employment Offer Form  
Telephone Reference Check

D01605

**Background  
and Policy:**

AIP recognizes that its staff members possess valuable knowledge and skills and, therefore, encourages staff members to apply for open positions at the Institute. To offer opportunities for internal career growth and advancement, notifications of vacant positions will be posted on bulletin boards at all locations, and, whenever possible, positions will be filled with internal candidates. Positions will be posted for five consecutive business days before being offered to an outside candidate.

**Authority:**

Approved: Management Committee

Date: 5/97

---

**Procedure:**

1. Human Resources, having received notification of necessary approval to fill a vacant position, will post a notice of the open position, providing the following information:  
  
Position Title and Status (exempt or non-exempt)  
Location and Supervisor  
Basic job functions and specific qualifications  
Method of applying for position and date of posting
2. Individuals interested in applying should contact Human Resources; while their initial inquiry will be confidential, employees must notify their current supervisor prior to being interviewed for another position in the Institute.
3. Every consideration will be given to internal candidates for vacant positions; qualified candidates will be interviewed and all applicants will receive feedback on their status.

**D01606**



AMERICAN INSTITUTE OF PHYSICS  
PERSONNEL CHANGE FORM

DATE\_\_\_\_\_

EMPLOYEE NAME\_\_\_\_\_ JOB TITLE\_\_\_\_\_

DIVISION\_\_\_\_\_ SECTION\_\_\_\_\_

LOCATION ☐ Melville ☐ Maryland ☐ Other EFFECTIVE DATE\_\_\_\_\_

ACTION REQUESTED	<u>FROM</u>	<u>TO</u>
SALARY CHANGE	_____	_____
TITLE CHANGE	_____	_____
JOB GRADE CHANGE	_____	_____
DIVISION CHANGE	_____	_____
SECTION CHANGE	_____	_____
COST CENTER CHANGE	_____	_____
SHIFT CHANGE	_____	_____
OTHER	_____	_____

Was this a transfer to a budgeted position? ☐ Yes ☐ No

Name of employee to be replaced:\_\_\_\_\_

EXPLANATION FOR THE CHANGE\_\_\_\_\_

APPROVALS:

\_\_\_\_\_  
Hiring Manager Date

\_\_\_\_\_  
Officer Date

\_\_\_\_\_  
Director Date

\_\_\_\_\_  
T.C. Braun, Dir., HR Date

j:empstat.wpd-September 15, 2000

D01608

**AMERICAN INSTITUTE OF PHYSICS**  
Employment Offer Form

Name of Applicant: \_\_\_\_\_

Position Title: \_\_\_\_\_ Reports to: \_\_\_\_\_

Salary Grade: \_\_\_\_\_ FLSA [check one] ☐ Exempt ☐ Non-Exempt

Salary Range [min] \_\_\_\_\_ [mid] \_\_\_\_\_ [max] \_\_\_\_\_

Proposed Starting Salary: (special approval is needed for offers above the midpoint): \_\_\_\_\_

Proposed Starting Date: \_\_\_\_\_

**IMPORTANT:**

It is sometimes the responsibility of the hiring manager to conduct telephone reference checks on a candidate before a hiring decision is made. If you have done the reference checks, please use the Telephone Reference Checklist provided by Human Resources and check below.

☐ Reference check (please attach completed Telephone Reference Check)

Proposed offer must be reviewed with Human Resources. Please check below to indicate that this has been done.

☐ Human Resources Review

No offer can be considered official without two levels of approval. Please sign and obtain necessary approvals before returning this form to Human Resources.

**SIGNATURES:**\_\_\_\_\_  
[Hiring Manager]\_\_\_\_\_  
Date\_\_\_\_\_  
[Hiring Manager's Supervisor]\_\_\_\_\_  
Date

This form, appropriately completed and signed, must be returned to HR with the Employment Application, any Reference Checks you may have done, and your interview notes.

12/94

**D01609**





June 1999

TO: All Employees of AIP  
FROM: T. C. Braun *TCB*  
SUBJECT: REVISED *EMPLOYEE HANDBOOK*

Attached is the revised *Employee Handbook*. Please insert into your *Employee Handbook* looseleaf and discard the old. When you have familiarized yourself with AIP's overall policies and practices, please sign and date the receipt of *Employee Handbook* on page 39 and return to Human Resources.

Please feel free to call Human Resources if you have any questions.

D01611

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# Employee Handbook

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AMERICAN  
INSTITUTE  
OF PHYSICS

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Revised June 1999

D01612

## AMERICAN INSTITUTE OF PHYSICS LOCATIONS

One Physics Ellipse  
College Park, Maryland 20740-3843  
Tel: 301-209-3100 • Fax: 301-209-0843

ACP Child Care Center	Executive Director/CEO
ACP Technology User Support	Facility Services
Accounting	Human Resources
Career Services	Physics History
Chairman of the Board	Physics Today
Controller's Office	Public Information
Development Office	Secretary
Director, Human Resources	The Industrial Physicist
Director, Physics Programs	Society of Physics
Education	Students/ $\Sigma\Pi\Sigma$
Education & Employment	Treasurer/Chief Financial
Statistics	& Administrative Officer

Suite 1N01  
2 Huntington Quadrangle  
Melville, New York 11747-4502  
Tel: 516-576-2200 • Fax: 516-349-7669

Advertising & Exhibits	Journal Production II
Business Systems & Operations	Marketing
Child Care Center	Production Services
Circulation and Fulfillment	Publisher, Journals
Composition Services	& Technical Publications
Data Preparation	Publishing Services
Editorial Operations	Publishing Systems
Executive Director/CEO	Scientific Classification
Facility Services	Translations and
Graphics Production	Special Publications
Human Resources	Treasury
Internet Publishing	Vice President,
Journal Production I	Publishing

National Press Building  
529 14th St., NW, Suite 1050  
Washington, DC 20045-2001  
Tel: 202-662-8710 • Fax: 202-662-8711

Physics Today

## **MEMBER SOCIETIES**

The American Physical Society  
Optical Society of America  
Acoustical Society of America  
The Society of Rheology  
American Association of Physics Teachers  
American Crystallographic Association  
American Astronomical Society  
American Association of Physicists in Medicine  
American Vacuum Society  
American Geophysical Union

## **OTHER MEMBER ORGANIZATIONS**

Sigma Pi Sigma Physics Honor Society  
Society of Physics Students  
Corporate Associates

## TO AIP STAFF MEMBERS

Our organization, the American Institute of Physics provides a wide variety of services for science societies, the physics community, students and the general public, as well as for over 100,000 people who comprise AIP's ten Member Societies.



AIP is one of the world's largest publishers of physics research literature. We publish our own magazines and archival journals. We also assist Member Societies and other organizations in the production and distribution of their journals. We also publish Conference Proceedings.

All our journals are available on-line as well as in print. We offer on-line services to other publishers and have about 40 journals from about 10 publishers on our On-line Journal Publication System.

Through its physics programs, AIP contributes to public awareness and education. Among AIP's contributions are education programs including the Society of Physics Students, the Center for History of Physics including the Niels Bohr Library, a Corporate Associates Program, and divisions for Public Information, Statistics (on physics education and employment), and Career Services. In these and many other ways, AIP reaches out to serve the community of physicists and the public at large.

As an AIP staff member you are advancing, directly or indirectly, the important goals of the Institute; your chosen career is one of service to science and society.

This booklet provides you with an introduction to AIP and its personnel policies and benefits. Keep it handy for future reference. Whenever you need more information or an answer to a question that does not appear in this *Handbook*, please consult your supervisor or a member of Human Resources.

*continued on next page*

One of my pleasures as AIP's Executive Director is working with fellow employees and exchanging ideas on how the organization can function better. Communication is the key to improved performance and greater job satisfaction, so please feel free to contact me with your suggestions.

A handwritten signature in black ink, appearing to read 'M. Brodsky', with a stylized, cursive script.

Marc H. Brodsky  
Executive Director/CEO  
June 1999

## VICE PRESIDENT, PUBLISHING

DARLENE A. WALTERS

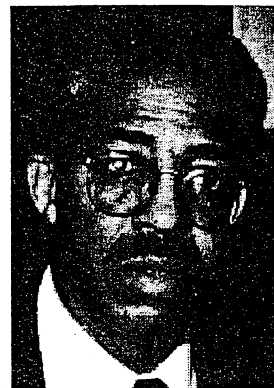


Business Systems  
& Operations  
Marketing  
Journals & Technical  
Publications  
Publishing Services  
Publishing Systems

## DIRECTOR, PHYSICS PROGRAMS

JAMES H. STITH

Advertising & Exhibits  
Career Services  
Computing in Science  
& Engineering  
Education  
Education & Employment  
Statistics  
Physics History  
Physics Today  
Public Information  
The Industrial Physicist



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**TREASURER/CHIEF FINANCIAL  
& ADMINISTRATIVE OFFICER**

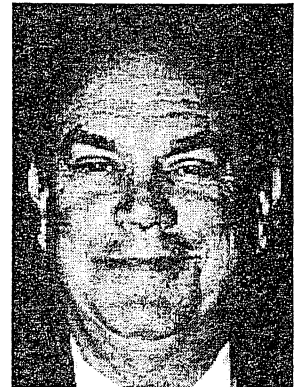
**RICHARD BACCANTE**



Accounting  
Facility Services  
Treasury

**SECRETARY**

**BENJAMIN B. SNAVELY**



## DIRECTOR, HUMAN RESOURCES

THERESA C. BRAUN



Benefits  
Child Care Centers  
Compensation  
Employee Relations  
HRIS  
Labor Relations  
Recruitment  
Training

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## About This Handbook

We want your job experience to be rewarding and enjoyable and we believe the more you know about the Institute, the more satisfaction you can derive from your job.

With this in mind, we have prepared this *Employee Handbook* to help you become acquainted with the Institute, its personnel policies, and the benefits offered to you as an employee. Please review the *Handbook* carefully and keep it for future use.

Due to government regulations and the changing demands of our operations, we may modify these policies and benefits from time to time. This *Handbook* contains guidelines for the Institute's use. Its terms should not be regarded as contractual in nature. We will attempt to keep you up to date regarding changes that affect you.

## AIP History and Organization

The American Institute of Physics (AIP) is a not-for-profit membership corporation chartered in New York State in 1931 for the purpose of promoting the advancement and diffusion of the knowledge of physics and its application to human welfare. Its governance is provided by Member Societies. Currently there are ten Member Societies.

It is the mission of the Institute to serve the sciences of physics and astronomy by serving the Societies, by serving individual scientists, and by serving students and the general public.

Today, the Institute has a staff of nearly 560 people handling its various services for more than 120,000 members of ten Member Societies. In addition, 5,700 students in approximately 700 colleges and universities are members of the Institute's Society of Physics Students. The physics honor society, Sigma Pi Sigma, has 34,000 active members. The Institute is represented by 55 Corporate Associate members.

At the end of 1993, the Publishing Center was consolidated on Long Island, NY, while Physics Programs and Finance and Administration moved to the American Center for Physics (ACP) in College Park, MD.

The American Center for Physics opened in October 1993 in a new 120,000 square foot building on 24 acres of land in College Park, MD. ACP provides headquarters for the American Institute of Physics, The American Physical Society (APS), the American Association of Physics Teachers (AAPT), and the American Association of Physicists in Medicine (AAPM).

The major ongoing goals of the AIP staff are described under the following headings:

- Umbrella
- Pricing
- Image
- Timeliness

## AIP Activities and Programs

The Institute provides publishing and other services for ten Member Societies, collects dues, provides financial services, handles subscription fulfillment for 80 publications, mails ballots and announcements, and prepares membership directories. It also publishes its own journals, conference proceedings, special reports, as well as translates and publishes Russian journals.

The Institute is best known for its extensive publishing operation. A large fraction of the world's physics research literature is published by AIP and its Member Societies. By adopting appropriate up-to-date publishing techniques, the Institute ensures that current physics and astronomy research papers are widely distributed promptly and economically. In addition to publishing original papers, AIP prepares and distributes various current physics information products to assist scientists in finding and retrieving the research contributions relevant to their work.

AIP's flagship monthly magazine, *Physics Today*, goes to 125,000 subscribers, including many overseas. A bi-monthly magazine, *Computing in Science and Engineering*, jointly published by AIP and the IEEE Computer Society, reports on significant developments in computer software, hardware, and methodology for physics research and education. *The Industrial Physicist* is a bi-monthly magazine with a circulation of 60,000 that helps physicists in industry and their managers to make more effective use of physics in furthering corporate goals.

The Public Information Division is in charge of news media relations and government relations. It provides the media with information concerning developments in physics and astronomy. It operates press rooms at society meetings, provides science news reports for TV and radio programs, and prepares special news releases. It tracks development in science policy debates and works with Member Societies in coordinating efforts and distributing this information.

The Institute assists those interested in a physics education and related career options through a range of programs and services run by its Education Division. The Society of Physics Students and Sigma Pi Sigma, the physics honor society, are part of this division.

The Career Services Division offers a variety of employment and career resources, while the Education and Employment Statistics Division carries out statistical studies.

The Center for History of Physics includes the Niels Bohr Library. It promotes the preservation of historical source materials for physics and allied fields, and offers aids to scholars, educators, and the media, including its own World Wide Web exhibits.

The Institute maintains a liaison with industry, through the AIP Corporate Associates' activities and with other outside scientific and publishing organizations.

## **Equal Opportunity in Employment**

The Institute is an equal opportunity employer. We believe that every employee has the right to be treated with dignity and respect. Consequently, we will not discriminate on the basis of age, race, creed, color, sex, national origin, citizenship, disability, marital status, or any other protected characteristic. Our management team is dedicated to ensuring full compliance of this policy with respect to recruitment, advertising, hiring, placement, promotion, rates of pay or other forms of compensation, selection for training, layoffs, termination, and general treatment during employment.

All individuals have unique abilities. We are committed to employing applicants and employees on the basis of ability, rather than disability. This commitment includes making reasonable accommodations for known physical or mental limitations of otherwise qualified individuals with disabilities. A reasonable accommodation is a modification or adjustment to a job, the work environment or the way things usually are done that does not pose an undue hardship to the Institute.

## **Immigration Reform and Control Act**

In accordance with the Immigration Reform and Control Act of 1986, it is the Institute's policy to hire only those individuals who are authorized to work in the United States. Pursuant to this law, all individuals who are offered employment will be required to submit proof of their identity and employment eligibility. Employees will also be required to complete and sign, under oath, Immigration and Naturalization Service Form I-9. Form I-9 requires you to attest that you are authorized to work and the documents submitted are genuine.

If you are authorized to work in this country for a limited period of time, you will be required to submit proof of your employment authorization and sign another Form I-9 before the expiration of that period in order to remain employed by the Institute.

## Questions, Suggestions, and Complaints

The best way to develop a rewarding and enjoyable work environment is through open, honest, and direct communication about all aspects of our jobs. There are times when each of us has a question, comment, or problem that needs to be addressed. The AIP policy is simple: ask it, suggest it, or let us know about it.

The Institute encourages you to bring your questions, suggestions, and complaints to management's attention. Everyone will receive careful consideration and a timely response. When many people work together, situations may be viewed differently. While no one can guarantee that you will always receive the answer you want, we will attempt to provide fair consideration to any question, suggestion, or complaint that may arise.

When you have a problem or a question, you should discuss the situation with your supervisor. You and your supervisor work together on a daily basis and our experience has shown that many problems can be effectively resolved at this level. We encourage you to speak openly and honestly with your supervisor.

If you still feel that your problem has not been dealt with fully, or if for some reason you feel uncomfortable discussing the matter with your supervisor, discuss your concern with your Director or Division Manager, then, if necessary, the Director, Human Resources or her designee. The officers of the Institute, including the Executive Director, maintain an open-door policy. They are glad to hear from employees with special suggestions or concerns.

As you can see, we are anxious to hear from you on any subject and look forward to working with you to address your concerns. We want you to have every opportunity to discuss your problems freely.

## **You and Your Supervisor**

Your supervisor is a vital part of our management team and will have more to do with your welfare and development than any other person in our organization. Your supervisor is directly involved in planning work schedules, ensuring the quality of your work, and providing you with whatever assistance you may need. Furthermore, your supervisor will explain your new job responsibilities, introduce you to your fellow employees, show you where things are, and periodically evaluate and advise you concerning your work performance.

An important aspect of a supervisor's duties is to listen to questions, suggestions, and problems and to provide an appropriate, effective response. He/she is there not only to supervise, but to make your thoughts and concerns known to upper management. We all benefit when you fully cooperate with your supervisor and discuss issues openly with him or her.

## **Your Introductory Period of Employment**

It usually takes a period of time for new employees to get to know a new work environment and the people with whom they will be working. Similarly, an employer needs time to get acquainted with new employees and to find out how well they fit into the job for which they were hired. At AIP, this time is called an "introductory period."

The first six consecutive months of employment are considered to be an introductory period. Employee performance will be evaluated during this period to determine if employment should be continued.

At all time during your employment at AIP, including during the Introductory Period, your employment is at-will. This means that the employment relationship may be terminated by either the employee or the Institute for any reason and without prior notice.

## Full-Time and Part-Time Employees

Currently regular full-time employees work 35 hours per week in New York, and 37.5 hours per week in Maryland, and receive full benefits. These hours are subject to change according to business needs.

Regular part-time employees work at least 25 hours per week and receive full benefits.

Hourly employees will usually work less than 25 hours per week at an AIP location.

Temporary employees are hired as needed on an irregular basis.

Cottage employees work at home and must fulfill, at a minimum, the hourly obligations agreed to upon employment.

Throughout the *Employee Handbook* the term "regular employee" will be used to denote only regular full-time and part-time employees.

## Your Normal Work Week

The normal work week for (full-time) employees is 35 hours (in New York) and 37.5 hours (in Maryland), Monday through Friday.

### **New York:**

There are two shifts: a day shift from 8:45 a.m. to 4:15 p.m., with one-half hour for lunch and an evening shift from 5:00 to 11:00 p.m.

### **Maryland:**

The normal work day is from 8:30 a.m. to 5:00 p.m., with one hour for lunch.

Maryland employees may work flexible hours, within the following guidelines. All regular, full-time employees must work during the core hours of 9:00 a.m.–4:00 p.m., taking either a half-hour or an hour for lunch. In addition, at least one senior staff member must be present in each department during regular business hours (8:30 a.m.–5:00 p.m.), and telephones must be continuously covered. All flex time must be approved by the division manager.

Business conditions and other factors may require that adjustments be made to these schedules from time to time. Also, the working hours of individual employees may need to be changed to address special business needs. The Institute reserves the right to change the normal business hours and length of the work week. However, in either of these circumstances, every effort will be made to provide employees with advance notice of changes in daily/weekly work schedules.

## **Attendance and Punctuality**

You were hired to perform important functions as part of our team. As with any group effort, cooperation and commitment from each individual are required if the Institute is to operate effectively. Therefore, regular attendance and punctuality are expected of all employees at AIP; it is your responsibility to AIP, to your fellow employees, and to yourself.

We recognize that there may be times when your absence or lateness cannot be avoided, due to illness or another legitimate reason. In such cases, you are expected to telephone your supervisor before the start of your shift. You should call in every day that you are away from your job. An employee returning from an absence of five days or more will be required to provide a doctor's note. Unreported absence may subject an employee to disciplinary action, up to and including termination. Two consecutive days of unreported absence will be regarded as a voluntary resignation.

Consistent and/or a pattern of unexcused absenteeism or unexcused lateness cannot be tolerated because of the negative effect on the Institute, the employee's performance, and that of his or her co-workers.

## **Attendance Incentives**

All regular employees with a record of no sick leave for the year will receive two bonus days and a cash incentive bonus of \$200. Absences covered under the guidelines of the Family & Medical Leave Act (FMLA) will not be included in determining attendance incentives. This paid time off must be taken within the next year.

AIP will award a cash incentive bonus of \$200 to each regular employee with no more than two sick days during the calendar year (1 January through 31 December). New employees will be eligible for this cash incentive only for a full calendar year of employment.

## **Sick Leave**

AIP will compensate all regular employees after three continuous months of employment for time lost due to personal illness or injury, or for the illness or injury of a child or other (live-in) dependent up to a maximum of ten days per calendar year. Sick leave may also be used for medical/dental appointments or laboratory tests (either for self or for a dependent).

You are expected to notify your supervisor as early in the day as possible on the first day of sick leave and every day thereafter that you are away from your job. Absences due to illness exceeding five days will require a doctor's certification that you are fully able to return to work.

Employees terminating employment for any reason are not entitled to payment for any accrued unused sick time.

## **Sick Leave Accrual (Sick Bank)**

For all regular employees, on the first day of each year, unused sick days from the preceding year will be credited to a sick leave accrual account.

Any unused vacation leave in excess of 30 days will also be converted to sick leave and credited to the sick leave accrual account on the first day of each year (see Vacations).

Accrued sick leave may be used for employee illnesses or injuries resulting in absences of eight or more consecutive work days (i.e., disability leave or for the birth of a child) or dependent illnesses covered under the guidelines of FMLA. In addition, this accrued sick leave may be used only after all 10 sick days have been exhausted in that calendar year. See Human Resources for details.

If you request leave because of a birth, adoption or foster care placement of a child, or to care for a covered relation with a serious health condition, you must use your 10 sick days before using your sick accrual account. (See Family & Medical Leave Policy for eligibility and guidelines.)

Employees terminating employment for any reason are not entitled to payment for any unused sick leave accrual account.

## Paid Holidays

All regular employees are granted twelve paid holidays which may include one or more personal days (see Personal Days). The holidays are:

New Year's Day  
Martin Luther King, Jr. Day  
Presidents' Day  
Memorial Day  
Independence Day  
Labor Day  
Thanksgiving Day  
Day After Thanksgiving  
Christmas Day

Depending on the days of the week Christmas and New Year's are celebrated, two additional holidays may be added during this period.

In order to be eligible to receive holiday pay, you are required to work your regularly scheduled hours the workday preceding and the workday following the holiday. In accordance with the Institute's policy, an approved vacation day or any other excused and paid day off is considered a day worked for purposes of holiday pay eligibility.

In-house and temporary employees are eligible for paid holidays when they have been consecutively employed for at least one month, and the holiday falls within their regularly-scheduled work hours.

The holiday schedule for the following year is announced in the fall. Holidays occurring during an employee's vacation are not charged against vacation time.

## Personal Days

Depending on the number of official holidays in a calendar year, one or more additional personal days are given to complete the 12-day total. (This is shown on the holiday schedule distributed each Fall.)

Personal days must be requested at least two days in advance, from your supervisor. Personal day requests that cannot be accommodated will be rescheduled to a mutually agreeable time. No personal days may be carried over into the following calendar year.

As a new employee, you are eligible for a personal day after three months of employment. In a year with two personal days on the holiday schedule, new employees hired between 1 January and 30 June are eligible for both days; those hired between 1 July and 15 September are eligible for one day, subject to the three-month waiting period mentioned above.

Employees terminating employment for any reason are not entitled to payment for any unused personal time.

## Vacations

Vacation time is provided to employees by AIP in recognition of the importance of uninterrupted periods of rest, relaxation, and time with family members. Accordingly, vacation time is to be used for vacation. It may not be "cashed in" by working during a vacation period. A maximum of 30 days may be carried over from one year to the next. At the beginning of each year, all unused vacation days in excess of 30 will be credited to your sick leave accrual account (see Sick Leave Accrual), except as described under "Exceptions," on page 15.

Regular employees who have worked at AIP for at least six full months qualify for paid vacation on the following basis.

### Length of Service

• Within the first year of employment at AIP	One day of vacation per month
• First anniversary through fifth anniversary (2nd, 3rd, 4th, 5th years of employment)	One and one-quarter days of vacation for each month employed (15 vacation days for a full 12-month year worked)
• Sixth year of employment and each year thereafter	One and two-thirds days of vacation for each full month employed (20 vacation days for a full 12-month year worked)

Because work schedules vary, one day of vacation is defined as 1/5 of your regular weekly work schedule.

Hourly in-house employees who consistently work a minimum of 15 hours per week and have worked at AIP for at least one year qualify for paid vacation on the following basis:

- |   |  |
|---|--|
| • First anniversary through second anniversary (2nd year of employment) | One half day of vacation for each month employed (6 vacation days for a full 12-month year worked) |
| • Third year of employment and each year thereafter                     | One day of vacation for each month employed (12 vacation days for a full 12-month year worked)     |

Additional vacation days are awarded in recognition of special employee service anniversaries, as follows:

- |  |           |
|--|-----------|
| • Upon completion of 15 years of service | Five days |
| • Upon completion of 20 years of service | 10 days   |
| • Upon completion of 25 years of service | 10 days   |
| • Upon completion of 30 years of service | 10 days   |

### Exceptions

Following the 15th and up to the 20th year of service, you may carry over 35 days of vacation. Following the 20th year of service, you may carry over 40 days of vacation.

Vacation schedules must be approved by the appropriate supervisor prior to any vacation. Supervisors are to consider schedules and business conditions for the requested vacation period and the length of service of the requesting employee.

Employees terminating employment for any reason are entitled to payment for all unused vacation time accrued.

## **Service Awards**

In recognition of the value of its employees, AIP offers service anniversary awards at the following times: 5, 10, 15, 20, 25, 30, 35, and 40 years of service. 5 and 10 year awards are given at the annual holiday party. 15 year awards are given at the annual 15-year Club Luncheon.

## **Overtime**

Employees are expected to work overtime when requested to do so by their supervisors. Overtime work is not permitted except when specifically authorized.

Overtime work by non-exempt employees will be paid at the regular rate for all hours up to 40 per week and at one and one-half times the regular rate of pay for all hours worked in excess of 40 per week. Every effort will be made to provide advance notice when overtime work is required.

## **Your Paycheck**

All employees are paid bi-weekly.

When a payday falls on a holiday, payroll checks will be distributed on the preceding working day.

Your paycheck includes all earnings including any overtime that is submitted by the payroll deadline. Year-to-date earnings are itemized on the check.

If you are absent on payday, your paycheck will be held in Human Resources.

Forms required for Direct Deposit are available in Human Resources.

## Personnel Records

Human Resources maintains appropriate records concerning your employment at AIP. It is important that you provide Human Resources with current information to update your personnel records, particularly in case of emergency and to ensure receipt of benefits.

Employees should immediately notify their supervisor or Human Resources of any changes in:

Name

Address

Telephone Number

Marital Status

Number of Dependents

(For W-4 use and benefit enrollment)

Emergency Information

Beneficiary(ies) for insurance purposes

Dependent(s) reaching the age of 23

## Performance Reviews

Our policy is to pay competitive wages in order to attract and retain quality employees. In addition, AIP periodically evaluates the performance of each employee. The Institute normally reviews employees' performance annually. All new hires will receive a performance review at the end of their six-month introductory period.

Performance is rewarded based on merit. Our performance evaluation program gives you an opportunity to sit down with your supervisor to review how your work has progressed since your last review. During this evaluation mutual goals for the future are discussed, as are steps that may be necessary to reach those goals.

While we have established a schedule for performance evaluation, this schedule is not intended to limit discussions of performance, goals, and/or objectives to those times. We urge you, as we urge our supervisors, to discuss any questions or problems related to your performance on an ongoing basis. We hope this type of communication will enhance your performance and ensure our mutual success.

## **Staff Development and Advancement**

We believe that employees should have the opportunity to increase their knowledge and skills, to improve current performance and (when qualified) assume new responsibilities. Therefore, you are encouraged to improve your knowledge and skills in order to become qualified for more responsible positions. We assist you, where appropriate, in the achievement of your personal goals with training programs and the Tuition Assistance Plan.

Because of the training required for most positions at AIP, a regular employee may not apply for a position in another division before completing one year in your present position.

Advancement at AIP is based on merit (e.g., consistently good performance and reliability; necessary knowledge and skills; and demonstrated ability to accept increased responsibilities). The Institute will attempt to promote employees wherever possible to fill openings at higher levels of responsibility. Job openings at AIP are posted on bulletin boards at all locations, and qualified staff are encouraged to apply.

In selecting applicants for available positions, consideration will be given to performance reviews, background and educational qualifications, length of service, and supervisor's recommendations.

## **Pat on the Back**

A manager may, with approval from his or her Director or Officer, award a monetary "Pat on the Back" (\$100 cash) to an employee deemed to have made a significant extra effort or contribution to the department of the Institute. All "Pat on the Back" recommendations are made in writing and must be approved by the Director, Human Resources.

## **Tuition Assistance Plan**

Upon approval, the Institute will pay up to 100% of the tuition and registration fees, and up to \$500 for course-related books at the time of enrollment, for courses taken by eligible employees. To be eligible, you must have worked for AIP for at least six months as a regular employee. You must obtain a grade of "C" or better to receive 75% reimbursement or a grade of "B" or better to receive 100% reimbursement (job-related courses only). There is a maximum of \$3,500 per school year.

To be eligible as an hourly or cottage industry employee, you must have worked for AIP continuously and consistently for one year and obtain a grade of "C" or better to receive 50% reimbursement. There is a maximum of \$500 per school year (from September through August).

Approved courses include those that are pertinent to your work, that lead towards a degree at an accredited school, or that are taken to fulfill matriculation requirements.

Forms and further information can be obtained from Human Resources.

## **Employee Assistance Program**

AIP's Employee Assistance Program (EAP) provides a highly confidential and experienced source of help for employees who are experiencing human problems such as finding sources of elder care or child care, legal or financial difficulties, substance abuse, or other personal/family situations. In most instances problems of a personal nature can be resolved without the services of the EAP. Sometimes, however, this is not the case. Under such conditions, it may be in the best interest of all employees, family members, and the Institute to seek outside assistance.

The Institute has retained the services of Corporate Counseling Associates. One of the most important reasons for selecting an outside firm is to ensure confidentiality.

## Employee Benefits Program

AIP provides an excellent, comprehensive employee benefits package to all eligible employees.

The Institute may, in its discretion, amend, modify, or discontinue the benefits should it become desirable or necessary. Each fall the Institute reviews its benefits programs, looking at utilization, enrollment, and costs. Any change in coverage or cost will be communicated to employees during the Open Enrollment Period in November. Included among the coverages in our insurance benefit program are: medical, dental, vision, life insurance, travel and accident insurance, prescription drug, retirement, and short-term and long-term disability insurance. All regular employees are eligible for enrollment in these group plans on the first day of the month after completion of three months of continuous employment.

### Domestic Partner Health Insurance Coverage

The Institute offers medical and dental/vision coverage through its insurance carriers to same sex domestic partners of its active employees. The domestic partner is responsible for the full premium cost of the insurance plan. In addition, these benefits are extended to the children of the domestic partner. Domestic partners are included in the following policies: bereavement leave, sick leave, and "Family/Medical Leave."

*Domestic partners* will be defined as two adults of the same sex who are not related by blood, who have lived together continuously for at least one year and plan to do so indefinitely, are mutually responsible for their common welfare, reside at the same address, and maintain no other domestic partnership or marriage.

Full descriptions of each of the above-mentioned coverages are provided in separate benefit booklets and the policy certificates. The benefit booklets, summarizing each provided benefit, are distributed to all new employees by Human Resources. Questions concerning eligibility, enrollment, coverage, and claims should also be directed to Human Resources.

## **Employee Referral**

Any regular employee who refers an applicant who is employed by the Institute for six continuous months will receive the following referral fees:

Regular full-time position: \$400.00

Regular part-time position: \$200.00

Cottage industry & hourly positions: \$150.00

This bonus will be paid following the applicant's successful completion of the six-month introductory period provided the referring employee is still employed at AIP.

If the new employee completes a year of continuous employment and is in a regular full-time position in exempt grade 7 or above, the referring employee will receive an additional \$400.00.

## **Employment of Relatives**

Having members of the same family employed by the Institute can be a positive factor adding to the strength of the staff and is encouraged except as set forth below.

1. No relatives may be employed in the same section.
2. No relatives may be employed in positions such that one has supervision, directly or indirectly, over the other, or has any influence or appearance of influence over the other's employment, promotion, salary, or other related management or personnel actions.

## **Jury/Witness Duty**

Jury duty is a civic responsibility. All employees who are required to serve on a jury on a scheduled work day will receive their regular pay from AIP for hours they are not able to work because of the time served on jury duty. They must present the court summons to Human Resources. If hours of work do not conflict with jury service, the employee is expected to report for regular work hours.

In instances where the locality pays a per diem stipend, employees keep only the amount designated for transportation and return the balance to AIP.

## **Bereavement Leave**

Regular employees are eligible for paid bereavement leave for up to three working days (for long-distance travel an extra day will be granted) in the event of a death in an employee's immediate family and one day for all other family members.

Immediate family for the purpose of this policy shall be defined as spouse, children, parents, grandparents, grandchildren, sisters, brothers, parents-in-law, and domestic partners (see page 22 for definition of domestic partner). Where a question arises, appropriate documentation must be submitted to the employee's supervisor to receive pay for bereavement leave.

## **Family and Medical Leave Policy**

### **The Leave Policy**

You are eligible to take up to 12 weeks of unpaid family/medical leave within any 12 month period and be restored to the same or an equivalent position upon your return from leave provided you: (1) have worked for the Institute for at least 12 months, *and* for at least 1250 hours in the last 12 months; and (2) are employed at a worksite that has 50 or more employees within 75 miles of each location.

### **Reasons For Leave**

You may take family/medical leave for any of the following reasons: (1) the birth of a son or daughter and in order to care for such son or daughter; (2) the placement of a son or daughter with you for adoption or foster care and in order to care for the newly placed son or daughter; (3) to care for a spouse, son, daughter (child must be under 18 years of age), or parent ("covered relation") with a serious health condition; (4) same sex domestic partners and their children; or (5) because of your own serious health condition which renders you unable to perform an essential function of your position. Leave because of reasons "1" or "2" must be completed within the 12 month period beginning on the date of birth or placement. In addition, spouses employed by the Institute who request leave because of reasons "1" or "2" or to care for an employee's parent or child with a serious health condition may only take a combined total of 12-weeks' leave during any 12-month period.

### **Notice Of Leave**

If your need for family/medical leave is foreseeable, you must give the Institute at least 30 days prior written notice. If this is not possible, you must at least give notice as soon as practicable (within 1 to 2 business days of learning of your need for leave). Failure to provide such notice may be grounds for delay of leave. Additionally, if you are planning a medical treatment you must consult with the Institute first regarding the dates of such treatment. Where the need for leave is not foreseeable, you are expected to notify the Institute within 1 to 2 business days of learning of your need for

leave, except in extraordinary circumstances. The Institute has Request for Family/Medical Leave forms available from Human Resources. You should use these forms when requesting leave.

### **Medical Certification**

If you are requesting leave because of your own or a covered relation's serious health condition, you and the relevant health care provider must supply appropriate medical certification. You may obtain Medical Certification forms from Human Resources. When you request leave, the Institute will notify you of the requirement for medical certification and when it is due (at least 15 days after you request leave). If you provide at least 30-days' notice of medical leave, you should also provide the medical certification before leave begins. Failure to provide requested medical certification in a timely manner may result in denial of leave until it is provided.

The Institute, at its expense, may require an examination by a second health care provider designated by the Institute, if it reasonably doubts the medical certification you initially provide. If the second health care provider's opinion conflicts with the original medical certification, the Institute, at its expense, may require a third, mutually agreeable, health care provider to conduct an examination and provide a final and binding opinion. The Institute may require subsequent medical recertification. Failure to provide requested certification within 15 days, if such is practicable, may result in delay of further leave until it is provided.

### **Reporting While On Leave**

If you take leave because of your own serious health condition or to care for a covered relation, you must contact the Institute on the first and third Tuesday of each month regarding the status of the condition and your intention to return to work. **In addition, you must give notice as soon as practicable (within 2 business days if feasible) if the dates of leave change or are extended or initially were unknown.**

### **Leave Is Unpaid**

Family/medical leave is unpaid leave (**although you may be eligible for short-term disability payments and/or workers' compensation benefits under those insurance plans which are mentioned elsewhere in the *Handbook***). If you request leave because of your own serious health condition, sick leave will first be substituted for any unpaid family/medical leave. The substitution of paid leave time for unpaid leave time does not extend the 12-week leave period. Further, in no case can the substitution of paid leave time for unpaid leave time result in your receipt of more than 100% of your salary.

### **Medical and Other Benefits**

During an approved family/medical leave, the Institute will maintain your health benefits as if you continued to be actively employed. If your leave is unpaid, you must pay your portion of the premium. Your health care coverage will cease if your premium payment is more than 45 days late. If your payment is more than 30 days late, we will send you a letter to this effect. If we do not receive your co-payment within 15 days of this letter, your coverage will cease. If you elect not to return to work for at least 30 calendar days at the end of the leave period, you will be required to reimburse the Institute for the cost of the health benefit premiums paid by the Institute for maintaining coverage during your unpaid leave, unless you cannot return to work because of a serious health condition or other circumstances beyond your control.

### **Intermittent and Reduced Schedule Leave**

Leave because of a serious health condition may be taken intermittently (in separate blocks of time due to a single health condition) or on a reduced leave schedule (reducing the usual number of hours you work per workweek or workday) if medically necessary. If leave is unpaid, the Institute will reduce your salary based on the amount of time actually worked. In addition, while you are on an intermittent or reduced schedule leave, the Institute may temporarily transfer you to an available alternative position which better accommodates your recurring leave and which has equivalent pay and benefits.

### **Returning From Leave**

If you take leave because of your own serious health condition (except if you are taking intermittent leave), you are required to provide medical certification that you are fit to resume work. You may obtain Return to Work Medical Certification Forms from Human Resources. Employees failing to provide the Return to Work Medical Certification Form will not be permitted to resume work until it is provided.

### **Extended Leave For Serious Health Condition**

Leave taken because of your own serious health condition may be extended on a month-to-month basis for a maximum of an additional four weeks upon: (1) written request to the Institute; (2) proof that the serious health condition has continued; and (3) approval by the Institute (which is subject to its business needs). If you do not return to work on the originally scheduled return date nor request in advance an extension of the agreed upon leave with appropriate documentation, you will be deemed to have voluntarily terminated your employment with the Institute. If you request an extension of your leave beyond the initial 12-week period, you must submit medical certification of your continued serious health condition in advance for each month that the leave is extended. Reinstatement is not guaranteed on an extended leave and will depend on the Institute's needs.

### **No Work While On Leave**

The taking of another job while on Family/Medical Leave or any other authorized leave of absence is grounds for immediate termination.

**State and Local Family and Medical Leave Laws and Other Company Policies** - Where state or local family and medical leave laws offer more protections or benefits to employees, the protections or benefits provided by such laws will apply.

### **Leave of Absence Without Pay**

Approval for unpaid leave may be granted, at the discretion of management, for reasons such as important personal or family matters, educational course requirements, vacation, community or public service work, religious retreat, or military summer camp. In all cases, accrued vacation time must be used before unpaid leave begins.

## **Military Leave of Absence**

If you enter the military service of the United States, you are eligible for an unpaid military leave of absence. Present Human Resources with a copy of your service papers as soon as you receive them.

During your absence, your length of service accumulates and upon application within 90 days from date of discharge from military service, you will receive the current rate of pay and other benefits which have changed during your absence.

If you are recalled to attend yearly Reserve or National Guard duty, you will be granted a temporary military leave of absence. You should give your supervisor and Human Resources as much advance notice as possible so that we may ensure proper coverage while you are away. In addition, if you are in the Reserves or National Guard and have completed your introductory period before commencing the reserve duty, the Institute will pay the difference between your service pay and your basic earnings for a maximum period of two weeks per year. Proof of reserve pay is required in order to enable the Institute to pay you accordingly.

## **Harassment**

The Institute prohibits harassment of one employee by another employee, supervisor, or third party on the basis of race, religious creed, color, age, sex, sexual orientation, marital or veteran status, national origin, citizenship, ancestry, or mental or physical disability.

While it is not easy to define precisely what harassment is, it certainly includes teasing, slurs, epithets, threats, derogatory comments, unwelcome jokes or advances, suggestive behavior and/or verbal or physical conduct including, but not limited to, drawings, pictures, jokes, teasing, unwanted touching, or other similar conduct.

Any employee who feels that he or she has been subject to harassment, or he/she witnesses such conduct, should report this immediately to his/her supervisor, the Director, Human Resources, or the Human Resources Manager. All allegations of harassment will be speedily and discreetly investigated and appropriate action taken. Employees participating in any investigation under this policy will have the Institute's assurance that no reprisals will be taken as a result of a harassment complaint.

Violations of this policy will not be tolerated and may result in disciplinary action up to and including discharge.

## **Sexual Harassment and Prevention**

The Institute prohibits sexual harassment of any employee by another employee, supervisor, or third party. While it is not easy to define precisely what sexual harassment is, it certainly includes unwelcome sexual advances, requests for sexual favors and/or verbal or physical conduct of a sexual nature including, but not limited to, drawings, pictures, jokes, teasing, uninvited touching or other sexually related comments.

Harassment may take the form of either overt conduct or the existence of a "hostile environment." While it is not easy to define precisely what overtly harassing conduct is, it certainly includes unwelcome advances, requests or suggestions and any act, physical, verbal or visual such as uninvited touching or offensive comments.

A harassing or hostile environment is one which allows for, and possibly encourages, jokes or degrading comments of a sexual nature directed at a person or a group of people. Such behavior will not be condoned in the workplace.

Violation of the policy may result in disciplinary action up to and including dismissal of the harasser.

## General Rules of Conduct

As we are all aware, rules and regulations are essential to the general safety and welfare of our employees and to the efficient operation of the Institute. The following rules have been established for everyone's guidance while employed at AIP. This list of rules is not intended to be all-inclusive, since it is impossible to determine all the circumstances which may arise. However, these rules will provide illustrative standards by which employees should conduct themselves. All employees of AIP are employed at-will. Accordingly, employees may be terminated at anytime, with or without cause and with or without notice.

The procedure for handling discipline may include verbal warning, written warning, suspension without pay, and termination of employment. However, some situations may require immediate termination.

The following are examples of unauthorized behavior:

- Insubordination
- Foul or abusive language
- Use or possession of intoxicants or illegal drugs on or off AIP's premises during work hours; reporting to work while under the influence of intoxicants or illegal drugs
- Sleeping on the job
- Fighting on the job or the threat of bodily harm to others while on the job
- Misuse of or damage to Institute material or equipment or to the material or equipment of another employee
- Unauthorized removal of property belonging to the Institute or another employee
- Carelessly endangering the safety of oneself or others
- Constant pattern of tardiness or absenteeism without authorization
- Misbehavior including but not limited to: horseplay, harassing or intimidating fellow employees, making malicious or derogatory statements about fellow employees or about the Institute, misuse of confidential information, falsifying records, and illegal conduct

- Violation of safety or other operating rules. A positive attitude for the safety of your fellow employees and yourself must be observed at all times. This includes using proper safety equipment and reporting any unsafe practice to your supervisor
- Carrying or possessing weapons of any kind on Institute property
- Parking in non-designated areas
- Unauthorized use of Institute telephones
- Solicitation of any kind by an employee of another employee while either is on working time
- Inappropriate dress

## **Electronic Communications Policy**

The Institute's e-mail system is normally for business use only. Electronic communications should have a business purpose and may not be used to solicit for religious or political causes, outside organizations or other personal matters unrelated to the business of the Institute. Employees should be aware that the Institute may access electronic communications at any time for any reason.

Staff of the Institute may access its electronic communications systems without notice to users; reasons for such access include (but are not limited to): routine system maintenance, prevention or investigation of alleged misuse of its systems, and assuring compliance with software copyright laws.

The Institute's policy prohibiting harassment applies to the use of the Institute's electronic communications systems.

Employees who violate the Institute's Electronic Communications Policy may be disciplined, up to and including termination.

## **Miscellaneous**

### **Access Cards**

Maryland employees will be issued security access cards, which will admit them into the building through security doors and will serve as identification upon request.

### **Bulletin Boards**

Important business notices and items of general interest are continually posted by Human Resources on our employee bulletin boards at all locations. Make it a practice to review them frequently. This will assist you in keeping up with what is current at AIP. Employees are not permitted to post material on the bulletin board or elsewhere in AIP facilities.

### **Child Care Centers**

ACP's Child Care Center in College Park, Maryland and AIP's Center in Melville, New York accept children from six weeks through five years of age. The Maryland Center operates from 8:00 a.m. to 6:00 p.m. and the Melville Center operates from 7:45 a.m. to 5:45 p.m., Monday through Friday, when the Institute is open. Fees are based upon the child's age and the program in which the child is enrolled.

Our first priority is the nurturing development of children in a secure environment. The Centers are staffed by professional early childhood educators and provide a wonderful place to play, learn, and grow.

### **Dress Code**

The Institute expects each employee to maintain a neat, well-groomed appearance, and to behave in a professional manner. Unbusinesslike conduct will be brought to the employee's attention by the immediate supervisor.

### **Identification/Access Badges**

New York employees will be issued photo identification badges which will admit them to the building as well as AIP areas. At times, employees may be asked to display their badges. All visitors must register and receive a temporary identification badge at the reception desk.

### ***INSIDE AIP***

This newsletter, published monthly, is distributed to all staff.

### **Inclement Weather Closings**

The Institute monitors all hazardous weather conditions. If a decision for a closing or late arrival is made, management will communicate information concerning revised business hours.

In **New York**, there is a "snow list," which is activated as a telephone chain; once the decision to close (or to open late) has been made, employees designated as part of the telephone relay will proceed with their departmental calls. We will make every effort to notify WALK FM 97.5, WBAB FM 102.3, and WHLI AM 1100 or 740, as early as possible of any closing or delayed opening. All employees will be notified as early as possible.

In **Maryland**, on the first day of inclement weather, all organizations in ACP will follow the decision announced by the University of Maryland. The next day and every day thereafter, there will be a recorded message on the AIP "snow line" (301/209-3636) advising employees of a closing or of revised business hours for the day.

If an early closing time is announced, all employees are expected to observe the revised hours of work. An employee who has a planned day off when the office is closed due to inclement weather will be charged accordingly (i.e., vacation or personal day).

An employee who feels unable to travel to work because of severe weather conditions on a day when the Institute is open for business may use a day of vacation or personal leave. If you have no personal or vacation time available, you may take a day of unpaid leave. Advise your supervisor at the start of your shift if you will not be able to work.

**Lunchrooms**

The Institute maintains lunchrooms at its New York and Maryland locations. Free coffee and tea are provided in the morning before 8:45 a.m. (NY) and 8:30 a.m. (MD), during lunch time, and during morning and afternoon breaks at all locations. Employees must arrange their lunch time, at the discretion of their supervisors, between the hours of 12:00 noon and 2 p.m.

**Personal Visits and Telephone Calls**

Any necessary personal telephone calls should be made during break or lunch periods. Should an emergency arise, your family or friends should be directed to contact Human Resources and someone there will arrange that you be notified.

## **Solicitation/Distribution**

We believe that employees should not be disturbed or disrupted in the performance of their job duties. For this reason solicitation of any kind by an employee of another employee is prohibited while either person is on working time. Solicitation of any kind by non-employees is prohibited at all times.

Distribution of advertising material, hand bills, printed or written literature of any kind in working areas of our Institute is prohibited at any time. Distribution of literature by non-employees on Institute premises is prohibited at all times.

## **Good Housekeeping**

Good housekeeping not only improves the appearance of our facilities, but also prevents fires, accidents, and personal injuries. You are responsible for keeping your work area clean and neat at all times. AIP counts on you to keep our work environment clean and safe. We urge you to discard or recycle all garbage in the receptacles provided throughout our buildings.

Our mutual effort in keeping AIP's work environment clean and professional in appearance at all times will make our time at work safer and more enjoyable.

## Safety First

AIP maintains an active safety program. Your cooperation is a vital part of this program to protect you, your fellow employees and our visitors from injury. The following are some safety rules we would like you to pay particular attention to:

- Immediately report any condition or practice that appears unsafe to your supervisor.
- Operate only equipment that you are trained and authorized to use.
- Observe smoking regulations which permit smoking only in designated areas outside the buildings.
- In case of fire, designated people are stationed in each area to act as fire wardens. Please look to them for instructions, and obey their orders.
- Do not block fire corridors or fire exit doors. Furniture, equipment, or electric cords may not be stored in front of exit doors.
- Familiarize yourself with the location of fire extinguishers in all areas of our building.
- Approach walkways and intersections carefully. Do not run in the building.
- Drive cautiously in parking areas.
- Become familiar with emergency evacuation procedures.
- Wear safety gear where necessary.
- Do not bring unauthorized visitors into AIP.
- Immediately report all injuries incurred by yourself, fellow employees, or visitors, however slight, to your supervisor and Human Resources. They will assist in arranging for appropriate medical attention.

## **Smoking Policy**

For the health and comfort of its employees and in compliance with applicable laws and regulations, the Institute maintains smoke-free facilities in its Maryland and New York locations. Smoking is not permitted in AIP buildings (owned or leased property).

## **Drug-Free Workplace Policy**

It is the policy of the Institute, in compliance with federal, state, and local regulations, to prohibit the unlawful manufacture, sale, transfer, possession, or use of a controlled substance on the Institute's premises or work sites, including the Institute's vehicles and any private vehicles parked at Institute work sites, or while engaged in Institute activity at other locations. The Institute's Drug-Free Workplace Policy is available in Human Resources.

Full compliance with the Drug-Free Workplace Policy is a condition of employment and continued employment at the American Institute of Physics. Any employee who violates the policy shall be subject to discipline up to and including immediate discharge.

## **Employment at Will**

All employees of the Institute are at-will employees. This means that the employment relationship may be terminated by either the employee or the Institute for any reason and without prior notice.

The policies and procedures of the Institute, or statements made by any employee of the Institute, whether oral or written, are not contracts. These policies, procedures, or statements are not a guarantee of employment for any length of time or for any particular terms or conditions of employment. These policies, procedures, and statements may be changed at any time, with or without notice and should not be relied upon by any employee or applicant.

The "employment at will" relationship can only be changed by an agreement, in writing, specifically modifying this relationship, and signed by Institute official.

## **If You Must Leave Us**

Your employment with AIP is not for any stated period, and you may resign at any time. We understand there may be circumstances which may necessitate the termination of your employment with us. We request that you provide your supervisor with as much advance notice as possible. Your thoughtfulness will be appreciated. Similarly, AIP may terminate the employment relationship at any time and for any reason. At the end of your employment, you will be paid for time actually worked and accrued vacation.

## **A Few Closing Words**

The information in this *Handbook* is general in nature. Should questions or discrepancies arise, established procedures will be consulted for complete details. The policies, benefits, and rules contained in this *Handbook* may be changed or deleted at any time.

Again, welcome to AIP. Please speak to your supervisor or Human Resources if you have questions that are not answered by this *Handbook*.

## Receipt of *Employee Handbook*

I have received a copy of the AIP *Employee Handbook* and understand that I am responsible for becoming familiar with the policies described in it. I understand that the information contained in it represents management guidelines only, which may be modified from time to time. This *Handbook* is not a contract. I understand that neither the *Handbook's* policies nor any other representations made by a management representative, at the time of hire or at any time during employment, are to be interpreted as a contract between the Institute and any of its employees. I further understand that my employment is voluntarily entered into, that I am free to resign at any time, and that AIP may terminate the employment relationship whenever it determines that it is in its best interest to do so, and do so with or without notice or cause. *I understand that I am employed at will.*

---

Signature

Date

---

Employee's Name  
(print please)

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DC Form 161 (3/98)

## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## DISMISSAL AND NOTICE OF RIGHTS

To: **Jeff Schmidt**  
**3003 Van Ness Street, N.W.**  
**Washington, DC 20008**

From: **Baltimore District Office**  
**10 South Howard Street**  
**3rd Floor**  
**Baltimore, MD 21201**

☐ On behalf of person(s) aggrieved whose identity is  
**CONFIDENTIAL (29 CFR § 1601.7(a))**

EEOC Charge No.

EEOC Representative

Telephone No.

**12H-2001-00020C**

**Sandra A. Byrd,**  
**State & Local Coordinator**

**(410) 962-4329****THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**

- ☐ The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.
- ☐ Your allegations did not involve a disability as defined by the Americans with Disabilities Act.
- ☐ The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.
- ☐ Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge.
- ☐ Having been given 30 days in which to respond, you failed to provide information, failed to appear or be available for interviews/conferences, or otherwise failed to cooperate to the extent that it was not possible to resolve your charge.
- ☐ While reasonable efforts were made to locate you, we were not able to do so.
- ☐ You were given 30 days to accept a reasonable settlement offer that affords full relief for the harm you alleged.
- ☐ The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
- ☒ The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.
- ☐ Other (briefly state)

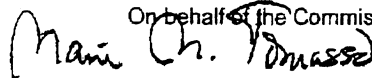
**- NOTICE OF SUIT RIGHTS -**

(See the additional information attached to this form.)

**Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this Notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission


**JUL 13 2004**

Enclosure(s)

**Marie M. Tomasso,**  
**Acting Director**

(Date Mailed)

cc: **Thersa Braun**  
**AMERICAN INSTITUTE OF PHY**  
**One Physics Ellipse**  
**College Park, MD 20740**

D01663

Enclosure with EEOC  
Form 161 (3/98)

### INFORMATION RELATED TO FILING SUIT UNDER THE LAWS ENFORCED BY THE EEOC

*(This information relates to filing suit in Federal or State court under Federal law.  
If you also plan to sue claiming violations of State law, please be aware that time limits and other  
provisions of State law may be shorter or more limited than those described below.)*

#### PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA), or the Age Discrimination in Employment Act (ADEA):

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you receive this Notice**. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was mailed to you** (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

#### PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/00 to 12/1/00, you should file suit **before 7/1/02 -- not 12/1/02** -- in order to recover unpaid wages due for July 2000. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

#### ATTORNEY REPRESENTATION -- Title VII and the ADA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

#### ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

**IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.**

D01664

Prince George's County  
HUMAN RELATIONS COMMISSION  
1400 McCormick Drive, Suite 245  
Largo, Maryland 20774  
Telephone (301) 883-6170

IN THE MATTER OF:

Jeff Schmidt

Complainant

Vs.

RE: HRC Case No.: RF00-1135  
EEOC Case No.: 12HA10020

American Institute of Physics

Respondent

COMMISSION ORDER

The Human Relations Commission having been petitioned to review the actions of the Executive Director in the administrative dismissal of the above-referenced complaint, received the recommendations of the Employment Panel, which reviewed the file in this matter and supported the actions of the Executive Director.

The Commission at its regularly scheduled meeting on June 28, 2004, voted to adopt the recommendations of the Employment Panel and the actions of the Executive Director in dismissing said complaint as undisturbed.



SAMUEL N. FONTAINE

Chairperson

Prince George's County

Human Relations Commission

D01665



## 1998 SALARY INCREASE GUIDELINES

PERFORMANCE RATING	1ST QUARTILE	2ND QUARTILE	3RD QUARTILE	4TH QUARTILE
CONSISTENTLY EXCEEDS JOB REQUIREMENTS 4.75 - 5.0 5	7 - 8%	6 - 7%	5 - 6%	4 - 5%
EXCEEDS JOB REQUIREMENTS 3.75 - 4.74 4	5 - 6%	4 - 5%	3.5 - 4.5%	2.5 - 3.5%
MEETS JOB REQUIREMENTS 2.75 - 3.74 3	3.5 - 5%	2.5 - 4%	2 - 3%	2%
PARTIALLY MEETS JOB REQUIREMENTS 1.75 - 2.74 2	0% DEFER FOR 3 - 6 MONTHS (NOT RETRO)	0% DEFER FOR 3 - 6 MONTHS (NOT RETRO)	0% DEFER FOR 3 - 6 MONTHS (NOT RETRO)	0% DEFER FOR 3 - 6 MONTHS (NOT RETRO)
DOES NOT MEET JOB REQUIREMENTS 1.0 - 1.75 1	0% DEFER FOR 3 MONTHS (NOT RETRO) OR TERMINATION	0% DEFER FOR 3 MONTHS (NOT RETRO) OR TERMINATION	0% DEFER FOR 3 MONTHS (NOT RETRO) OR TERMINATION	0% DEFER FOR 3 MONTHS (NOT RETRO) OR TERMINATION

ALL PROMOTIONS MUST BE REVIEWED BY THE DIRECTOR, HUMAN RESOURCES

PROMOTIONAL INCREASE GUIDELINES:

PROMOTION TO NEW POSITION WITH INCREASED RESPONSIBILITY - 3 TO 5 %

PROMOTIONS THAT INVOLVE MAJOR CHANGES IN RESPONSIBILITY WILL BE DEALT WITH ON AN INDIVIDUAL BASIS

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# 1999 SALARY INCREASE GUIDELINES

PERFORMANCE RATING	1st Quartile	2nd Quartile	3rd Quartile	4th Quartile
Consistently Exceeds Job Requirements 4.75 - 5.0 5	7 - 9%	6 - 8%	5 - 7%	5 - 6%
Exceeds Job Requirements 3.75 - 4.74 4	5 - 6%	4 - 5%	3.5 - 4.5%	3 - 4%
Meets Job Requirements 2.75 - 3.74 3	3.5 - 5%	2.5 - 4%	2 - 3%	2%
Partially Meets Job Requirements 1.75 - 2.74 2	0% Defer for 3 - 6 months (not retro)	0% Defer for 3 - 6 months (not retro)	0% Defer for 3 - 6 months (not retro)	0% Defer for 3 - 6 months (not retro)
Does Not Meet Job Requirements 1.0 - 1.74 1	0% Defer for 3 months (not retro) or Termination	0% Defer for 3 months (not retro) or Termination	0% Defer for 3 months (not retro) or Termination	0% Defer for 3 months (not retro) or Termination

## ALL PROMOTIONS MUST BE REVIEWED BY THE DIRECTOR, HUMAN RESOURCES

Promotional Increase Guidelines:

Promotion to new position with increased responsibility - 3 to 5 %

Promotions that involve major changes in responsibility will be dealt with on an individual basis

# YEAR 2000 SALARY INCREASE GUIDELINE

Performance Rating	1st Quartile	2nd Quartile	3rd Quartile	4th Quartile
Consistently Exceeds Job Requirements 4.75 - 5.0 5	7% - 9%	6% - 8%	5% - 7%	5% - 6%
Exceeds Job Requirements 3.75 - 4.74 4	4.5% - 5.5%	4% - 5%	3.5% - 4.5%	3% - 4%
Meets Job Requirements 2.75 - 3.74 3	3.5% - 4.5%	2.5% - 3.5%	2% - 3%	2%
Partially Meets Job Requirements 1.75 - 2.74 2	0% Defer for 3 - 6 months (not retro)	0% Defer for 3 - 6 months (not retro)	0% Defer for 3 - 6 months (not retro)	0% Defer for 3 - 6 months (not retro)
Does Not Meet Job Requirements 1.0 - 1.74 1	0% Defer for 3 months (not retro) or Termination	0% Defer for 3 months (not retro) or Termination	0% Defer for 3 months (not retro) or Termination	0% Defer for 3 months (not retro) or Termination

## ALL PROMOTIONS MUST BE REVIEWED BY THE DIRECTOR, HUMAN RESOURCES

### Promotional Increase Guidelines:

Promotion to new position with increased responsibility - 3% to 5%

Promotions that involve major changes in responsibility will be dealt with on an individual basis

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